

# Idaho Nonpoint Source Management Plan

---



**State of Idaho  
Department of Environmental Quality  
2015**



Printed on recycled paper, DEQ 2015, PID 319M, CA 82808. Costs associated with this publication are available from the State of Idaho Department of Environmental Quality in accordance with Section 60-202, Idaho Code.

# **Idaho Nonpoint Source Management Plan**

**2015**



**Prepared by  
Idaho Department of Environmental Quality  
1410 N. Hilton  
Boise, Idaho 83706**

# Acknowledgments

Special thanks to contributors from state and federal agencies involved in nonpoint source management:

- Idaho Department of Fish and Game
- Idaho Department of Lands
- Idaho Department of Water Resources
- Idaho Soil and Water Conservation Commission
- Idaho State Department of Agriculture
- Idaho Transportation Department
- Idaho Health Districts
- US Army Corps of Engineers
- Bureau of Land Management
- Bureau of Reclamation
- Environmental Protection Agency
- US Forest Service (Regions 1 and 4)
- Natural Resources Conservation Service
- US Geological Survey

## Contents

List of Abbreviations and Acronyms.....	vi
1 Introduction.....	1
1.1 DEQ Mission.....	1
1.2 Purpose and Scope .....	1
1.3 Legal Authority .....	2
1.4 Water Quality Goals.....	2
1.5 Key Components of the NPS Management Plan .....	2
2 Idaho’s Nonpoint Source Management Program.....	6
2.1 §319 Project Subgrants.....	6
2.2 Project Application and Review.....	6
2.3 Water Quality and BMP Effectiveness Monitoring .....	7
2.4 Project Evaluations and Reporting.....	8
2.5 Program Reporting and Financial Management.....	8
3 Idaho Background.....	8
3.1 Water Resources.....	9
3.2 Landownership .....	10
4 Nonpoint Source Pollution and Roles of the Public and Partner Agencies .....	10
4.1 Sources of Best Management Practices .....	12
4.2 Nonpoint Source Pollution and Native American Tribes.....	13
4.3 Categories of Nonpoint Source Pollution.....	14
4.3.1 Agricultural Practices .....	15
4.3.2 Natural Resource Extraction.....	20
4.3.3 Timber/Silviculture Management .....	21
4.3.4 Urban and Suburban Development.....	22
4.3.5 Transportation.....	25
4.4 Agency Coordination to Reduce NPS Pollution .....	26
4.4.1 Agreements with Partner Agencies .....	27
4.4.2 Coordination with Federal Partners .....	27
4.4.3 EPA Liaison.....	28
4.5 Funding Implementation Activities.....	28
4.6 Protocol for Funding Nonpoint Source Projects with the State Revolving Fund .....	28
4.6.1 Nonpoint Source (NPS) Project Sponsors .....	29
4.6.2 Point Source SRF Project Sponsors.....	31
4.6.3 DEQ Staff Coordination Once the NPS Project Has Been Funded.....	31
5 Nonpoint Source Pollution Framework at DEQ .....	34
5.1 Prioritization of Watershed Protection Actions .....	34
5.2 Ground Water Program .....	35

5.2.1 Beneficial Uses .....	35
5.2.2 Ground Water Protection Process.....	36
5.3 Source Water Assessment and Protection Program .....	39
5.4 Surface Water Program .....	40
5.4.1 Beneficial Uses .....	40
5.4.2 Surface Water Protection Process.....	42
5.5 Drinking Water Program.....	50
5.6 NPDES .....	50
5.7 404 Permitting .....	51
5.8 Basin Advisory Groups, Watershed Advisory Groups, and Technical Advisory Groups ..	51
5.9 Continuing Planning Process .....	54
6 Addressing Waters Impaired by NPS Pollution.....	55
6.1 Water Quality Reports.....	55
6.1.1 Water Quality Status Reports .....	55
6.1.2 Water Quality Summary Reports.....	55
6.1.3 Water Body Studies and Plans.....	55
6.2 Addressing Nonpoint Source Pollutants Through Project Implementation .....	55
6.3 Using Funds Efficiently .....	56
6.4 Assessing the Effectiveness of BMPs .....	57
6.5 Assessing Success in Reducing NPS Pollution.....	57
References.....	61

## Appendices

Appendix A. Nonpoint Source Goals .....	65
Appendix B. 2013 Memorandum of Understanding between the Idaho Department of Water Resources and the USDA, Forest Service Intermountain and Northern Regions .....	78
Appendix C. Unfunded NPS Programs .....	80
Appendix D. Active §319 Subgrants .....	82
Appendix E. Idaho DEQ Planning Documents.....	84
Idaho DEQ Strategic Plan (2015—2018).....	85
Water Quality Division Environmental Performance Partnership Agreement .....	133
Nonpoint Source Grant Agreement.....	185

## Tables

Table 1. Summary of Idaho water resources. ....	10
Table 2. Idaho landownership.....	10

Table 3. Nonpoint source pollution categories and involved agencies..... 14  
 Table 6. Possible nonpoint source project funding sources..... 33  
 Table 7. Nitrate priority area (NPA) trends..... 38  
 Table 8. 2002–2014 nitrate priority area trends..... 39  
 Table 9. Data tier comparison..... 43

**Figures**

Figure 1. 2014 Idaho nitrate priority areas..... 37  
 Figure 2. Five categories of the Integrated Report. .... 45  
 Figure 3. Map of 2012 Integrated Report impaired waters..... 46  
 Figure 4. Relationship between 4th-field hydrologic unit codes (HUCs), water body IDs  
 (WBIDs), and assessment units (AUs)..... 49  
 Figure 5. Idaho basins and DEQ regions. .... 53  
 Figure 6. Idaho’s best management practice (BMP) feedback loop..... 57

## List of Abbreviations and Acronyms

ARS	USDA Agricultural Research Service
AU	assessment unit
BAG	basin advisory group
BLM	Bureau of Land Management
BMP	best management practice
BOR	Bureau of Reclamation
BURP	Beneficial Use Reconnaissance Program
CAFO	confined animal feeding operation
CAP	Continuing Authority Program
CPP	continuing planning process
DEQ	Idaho Department of Environmental Quality
DOI	US Department of Interior
EPA	US Environmental Protection Agency
HUC	hydrologic unit code
IASCD	Idaho Association of Soil Conservation Districts
IDAPA	refers to citations of Idaho administrative rules
IDFG	Idaho Department of Fish and Game
IDL	Idaho Department of Lands
IDWR	Idaho Department of Water Resources
ISDA	Idaho State Department of Agriculture
ISWCC	Idaho Soil and Water Conservation Commission
ITD	Idaho Transportation Department
mg/L	milligrams per liter
MOU	memorandum of understanding
NFWF	National Fish and Wildlife Foundation
NMFS	National Marine Fisheries Service
NO <sub>3</sub>	nitrate
NPA	nitrate priority area
NPS	nonpoint source
NRCS	Natural Resources Conservation Service
PMP	pesticide management plan
SWCDs	soil and water conservation districts
TAG	technical advisory group
TMDL	total maximum daily load
USACE	US Army Corps of Engineers
USDA	US Department of Agriculture

USFS	US Forest Service
USFWS	US Fish and Wildlife Service
USGS	US Geological Survey
WAG	watershed advisory group
WBAG	Water Body Assessment Guidance
WBID	waterbody ID

# 1 Introduction

This document describes the State of Idaho's strategy for addressing nonpoint source (NPS) pollution collaboratively with local, state, and federal partners. The NPS management plan also provides guidance on evaluating and measuring success in meeting water quality goals for the state.

## 1.1 DEQ Mission

The Idaho Department of Environmental Quality's (DEQ's) mission is to protect human health and preserve the quality of Idaho's air, land, and water for use and enjoyment today and in the future. DEQ envisions a future for Idaho citizens where the quality of life is enhanced by the quality of the environment. In partnership with communities and businesses, DEQ assesses, sustains, preserves, and enhances the quality of the environment while recognizing the need for maintaining the economic vitality of the state.

## 1.2 Purpose and Scope

This document is the 5-year NPS management plan for Idaho. It updates the state's last NPS management plan published in 1999 under §319 of the Clean Water Act. The plan will be updated every five years.

This document was developed by DEQ as part of its 2012–2014 grant work plans with the US Environmental Protection Agency (EPA). According to EPA guidance, states should periodically review and evaluate their program, assess goals and objectives, and revise the program as appropriate.

The plan primarily serves two purposes:

- EPA requires states to develop approved NPS management plans that address the key components defined in EPA's §319 program guidance (EPA 2012), which was later updated in 2013 (EPA 2013). An approved plan is required for states to be eligible for federal Clean Water Act §319 funding.
- The plan outlines DEQ's vision, goals, and objectives to protect and restore beneficial uses of Idaho waters.

This plan describes the NPS Management Program, including the role of the §319 grant program, and provides some background information about Idaho and its water resources. The bulk of the document is dedicated to discussing categories of NPS pollution and the roles and responsibilities of partner agencies in reducing NPS pollution. The document also explains more about NPS pollution prevention in the framework of DEQ water quality management activities and how impaired waters are addressed.

The NPS plan is not limited to DEQ's NPS Management Program, but rather reflects the collective efforts and intentions of many partners who work together to reach a common goal. The effort to address the impact nonpoint sources have on water quality relies on public involvement, the coordination and cooperation of multiple agencies and programs within DEQ, and scientifically based efforts to identify and mitigate pollutant sources.

The desired outcome of the NPS plan is clean surface and ground water. This outcome involves reducing pollutants and protecting high-quality waters to meet the goals of fishable and

swimmable waters and safe drinking water supplies. Accomplishing the goals established in this plan with limited resources will require effective planning and the commitment of all partners with a vested interest in the outcome.

### 1.3 Legal Authority

Authority for controlling NPS pollution on a national level is provided in the federal Clean Water Act, administered under the authority of EPA. Idaho Code §§39-120 through 127 designates DEQ as the primary state agency to coordinate and administer ground water quality protection programs. Rules have been approved under this statute to ensure DEQ maintains and protects the existing high quality of the state's ground water and the existing and projected future beneficial uses of ground water and interconnected surface water. Idaho Administrative Code establishes Idaho "Water Quality Standards," which include the "Rules for Governing Nonpoint Source Activities" (IDAPA 58.01.02.350). DEQ's water quality protection and improvement efforts are conducted jointly with local, state, and federal partners.

### 1.4 Water Quality Goals

In its *Strategic Plan for Fiscal Years 2015–2018* (DEQ 2014c), DEQ defines a water quality goal of maintaining and improving surface and ground water quality. Objectives under this goal include the following:

- Monitor and assess water quality conditions to determine compliance with standards and support of beneficial uses.
- Complete reviews, guidance, and plans for improving and maintaining water quality.
- Implement pollution reduction actions needed to meet water quality standards and support beneficial uses.
- Develop the Idaho Pollutant Discharge Elimination System program.

### 1.5 Key Components of the NPS Management Plan

In September 2012, EPA updated its §319 guidance to states, including the key components that characterize an effective state NPS program. EPA expects all states to review and, as appropriate, revise their NPS management plan at least every 5 years. An updated program allows EPA and states to ensure that resources are efficiently and effectively directed in a manner that will support state efforts to address water quality issues.

DEQ's NPS Management Program was initially created in accordance with the 2012 guidance (EPA 2012) and later updated in response to EPA comments (EPA 2014a). The list of required components, EPA's review comments, and Idaho's responses are as follows:

1. **The state program contains explicit short and long-term goals, objectives, and strategies to restore and protect surface water and ground water as appropriate.**

EPA Comment 1. The general, short and long term goals are found in Appendix A of the Nonpoint Source Management Plan. The goals that are included in the short and long term goals are somewhat general and need more specific annual milestones and key actions with expected outcomes and some way of tracking progress on

achievement of these goals. Key actions need to be specific to named waterbodies at least in part.

DEQ Response 1. Specific goals have been added to Appendix A, including those water bodies targeted for action.

2. **The state strengthens its working partnerships and linkages to appropriate state, interstate, tribal, regional, and local entities (including conservation districts), private sector groups, citizen groups, and federal agencies.**

EPA Comment 2. In Section 4: NPS Pollution and Roles of Partners, IDEQ does a good job of describing the roles of partners in the control of NPS pollution by pollution categories and includes agreements which are in place. This section would benefit by including the role of Tribes in NPS on the reservations in Idaho. Also, a description of how the state seeks public involvement by various citizens, interest groups, agencies and others should be included here.

DEQ Response 2. Section 4.2, Nonpoint Source Pollution and Native American Tribes, was added to better describe the role of the Tribes in Idaho NPS management. Section 5.8 describes Idaho's process for public participation.

3. **The state uses a combination of statewide programs and on the ground projects to achieve water quality benefits; efforts are well-integrated with other relevant state and federal programs..**

EPA Comment 3. In Section 4: NPS Pollution and Roles of Partners on pages 8-23, the plan explains Idaho's groundwater program and some surface water programs. Statements should be added to speak to Idaho's other surface water quality programs such as point sources, drinking water, clean lakes, wetland protection, pesticide management, 404 permitting, and any planning for climate change. The state needs to discuss how a watershed management approach is used and include an explanation of your approach to prioritizing waters.

Although the plan lists CWSRF in Table 4 [now Table 6] on potential funding sources, there is no explanation given for how the state intends to incorporate the loan program into nonpoint source projects as a funding source. The state should explain how NPS projects fit into the state's prioritization scheme for CWSRF funding and describe any efforts to increase the use of CWSRF loans for NPS projects. If there are barriers to using CWSRF program for NPS projects, please describe potential future steps to encourage the use of the CWSRF funds for NPS Projects.

DEQ Response 3. Section 5, which discusses DEQ actions, has been expanded to describe all of the surface water programs within the Water Quality Division and illustrate how each program is involved in the development of priorities under a process that is continually evaluated.

Pesticide management is discussed in section 4.3.1, Agricultural Practices. The Idaho State Department of Agriculture (ISDA) implements an Idaho pesticide management plan in accordance with the "Rules Governing Pesticide Management Plans for Ground Water Protection" (IDAPA 02.03.01).

Implementation planning, Idaho's EPA-approved surrogate for watershed management planning, is described in Section 5.4.2, Step 6. Prioritization of watershed protection actions is described in Section 5.1.

A new section (4.6) has been added to explain Idaho's protocol for funding NPS projects using the Clean Water State Revolving Fund (CWSRF).

4. **The state program describes how resources will be allocated between (a) abating known water quality impairments from NPS pollution and (b) protecting threatened and high quality waters from significant threats caused by present and future NPS impacts..**

EPA Comment 4. There is no description of how Idaho views the use of 319 implementation funding for remediation of impaired waters versus protection of high quality waters. With limited resources, the state will need to make decisions about the relative emphasis on restoring impaired waters or protecting unimpaired/high quality waterbodies. Consider identifying protection of unimpaired/high quality waters as a priority in this plan. There is flexibility to use a limited amount of watershed project funds for activities for protection of identified waters following consultation with EPA through 319 grant workplan negotiations where a state has an updated NPS Management Plan that identifies protection of unimpaired waters as a priority and describes its process for identifying such waters.

DEQ Response 4. The discussion of how Idaho established priorities for remediation of impaired waters has been expanded in Section 5.1, Prioritization of Watershed Protection Actions. Idaho does not prioritize protection of high-quality waters. Such waters are typically wilderness waters, and it is not the best use of DEQ's limited resources to survey such waters at this time. Instead, priority is assigned to address those waters whose beneficial uses are threatened.

5. **The state program identifies waters and watersheds impaired by NPS pollution as well as priority unimpaired waters for protection. The state establishes a process to assign priority and to progressively address identified watershed by conducting more detailed watershed assessments, developing watershed-based plans and implementing the plans..**

EPA Comment 5. There needs to be a description in the plan of how the state identifies factors used to assign priorities to waters. Is there a link with other programs like TMDLs? This is true for either impaired waters or protection waters.

DEQ Response 5. The discussion of how Idaho established priorities for remediation of impaired waters has been expanded in section 5.1, Prioritization of Watershed Protection Actions. Section 5.4, Surface Water Program, includes a discussion of how monitoring results are used to define priorities for TMDLs.

6. **State implements all program components required by section 319(b) of the Clean Water Act, and establishes strategic approaches and adaptive management to achieve and maintain water quality standards as expeditiously as practicable. The state reviews and upgrades program components as appropriate. The state program includes a mix of regulatory, non-regulatory, financial and technical assistance, as needed.**

EPA Comment 6. There needs to be an identification of measures (i.e., systems of practices) that will be used to control NPS pollution in order to meet and maintain water quality standards. These measures can be listed or referred to in other manuals or compendiums that are specific to a category of nonpoint sources (such as agriculture, silviculture, etc.).

DEQ Response 6. Section 4.1 has been added to list the NRCP BMPs used throughout the state. If there are specific measures that EPA cannot find, DEQ will be happy to provide them.

**7. The state manages and implements its NPS management program efficiently and effectively, including necessary financial management.**

EPA Comment 7. In order to ensure that water quality problems are being addressed in the state, the plan needs to include a description of how the state identifies and prioritizes pollution problems and/or watersheds how resources are deployed to address priorities. Also please describe how 319 funds can be used efficiently to complement and leverage funds from other federal and non-federal sources to get maximum water quality benefits from the available funding in the state.

DEQ Response 7. The discussion of how Idaho established priorities for remediation of impaired waters has been expanded in section 5.1, Prioritization of Watershed Protection Actions. A new section (6.3) has been added to explain Idaho's approach for leveraging funding with other sources.

**8. The state reviews and evaluates its NPS management program using environmental functional measures of success, and revises its NPS management program at least every five years.**

EPA Comment 8. There needs to be some appropriate measures of progress in meeting programmatic and water quality goals and objectives listed. Please include an explanation of how monitoring and evaluation strategies are integrated with federal natural resource inventories and monitoring programs. Also, please provide a schedule to measure success in meeting the goals and objectives of the measures of progress.

Please include in the NPS Management Plan a statement that the plan is reviewed and revised every five years and updated with progress on milestones and program changes.

DEQ Response 8. The DEQ Strategic Plan, current Water Quality Division Environmental Performance Partnership Agreement with EPA, and current Nonpoint Source Grant Agreement with EPA have been added, as Appendix E, and referenced throughout the document to provide additional specifics.

A statement that the plan is updated every five years was added to section 1.2, Purpose and Scope.

## **2 Idaho's Nonpoint Source Management Program**

DEQ developed Idaho's initial NPS Management Program in 1989 through the coordinated efforts of numerous organizations with an interest in how NPS water pollution could be effectively managed in the state. Since that time, Idaho has dedicated personnel and funding to advance NPS water pollution control activities.

Idaho's NPS Management Program centers around DEQ's §319 grant program. The program provides funding assistance to entities for on-the-ground projects. DEQ's Surface Water and Ground Water Programs conduct data collection and analysis to determine impaired waters and primary NPS pollutants.

Partnering state and federal agencies play a large role in addressing NPS water pollution within their respective jurisdictions. Some agencies are more aggressive in implementing NPS reduction projects, in large part due to funding availability and collaborative opportunities. Other agencies have limited budgets and staff and therefore do very little. Below is an outline of the §319 grant program.

### **2.1 §319 Project Subgrants**

Section 319 of the Clean Water Act established a grant program under which states, territories, and tribes may receive funds to support a wide variety of NPS pollution management activities. A successful grant must focus on improving the water quality of lakes, streams, rivers, and aquifers. Funds may be used to address a variety of NPS management and prevention activities in the areas of agriculture, urban stormwater runoff, transportation, silviculture/forestry, mining, ground water activities, and hydrologic and habitat modification and related activities.

The NPS Management Program solicits project proposals through an online application and uses an established process to evaluate and rank which projects should be funded. Recommended projects are forwarded to EPA for review and approval. Once approved, DEQ staff develop agreements with project sponsors for disbursement of grant funds. NPS Management Program staff oversee project implementation and evaluate accomplishments.

Each year DEQ passes a minimum of 50% of its §319 funds through to the local level for on-the-ground total maximum daily load (TMDL) implementation projects. Remaining funding is then used to support administration and implementation of the NPS Management Program in the DEQ state and regional offices.

### **2.2 Project Application and Review**

A set of evaluation criteria and schedule of key dates apply to all new project proposals. These criteria are regularly reviewed and can be updated should priorities within the NPS Management Program and DEQ change. The criteria and schedule are provided early in the process to each party seeking funding, to educate and inform applicants on the process and state water quality priorities.

Prior to submitting an application, the applicant is expected to contact all potentially responsible natural resource agencies, organizations, and others, thereby giving them the opportunity for review and comment on the proposal. This up-front approach may help to identify opportunities for partnerships and collaboration that could lead to even greater environmental improvements.

Interested parties are encouraged to submit a project pre-application to DEQ for a preliminary project review. The pre-application provides DEQ with early notification of the type of project being considered and allows DEQ to provide feedback on the proposal that may benefit the applicant when preparing to submit a final application. Submitting a project pre-application is not required but is strongly encouraged.

Several steps are involved in the application review process:

1. DEQ staff complete a technical evaluation of each project application. During this phase, DEQ ensures that all state and federal programmatic criteria have been met.
2. Each application is then reviewed to ensure the project is viable and the resources being dedicated to complete the effort are sufficient and sound. The applicant has an ongoing responsibility to maintain the project following the expiration of the subgrant in an effort to demonstrate that the project can yield long-lasting water quality improvement in the watershed.
3. Technically sound projects will be routed for initial review and ranking by the responsible regional basin advisory group (BAG). The BAGs will make their decisions based partly on how well the proposed project aligns with the overall DEQ water quality priorities established for the basin.
4. Once all projects have been reviewed and ranked by the BAGs, DEQ convenes a meeting of the respective BAG chairman and DEQ staff to discuss all the ranked projects and determine which projects have merit and are of the highest priority to recommend for funding in the coming year.

### **2.3 Water Quality and BMP Effectiveness Monitoring**

DEQ is the state agency responsible for collecting instream water quality monitoring data related to NPS projects. DEQ is also responsible for ensuring proper testing and field studies are performed to document best management practice (BMP) effectiveness prior to and following project implementation. DEQ requires project managers of all funded projects to submit a plan that includes the appropriate amount of ground water or surface water monitoring, including any additional monitoring that may be called for based on the project design and location.

Project monitoring plans should be developed by the applicant. The monitoring plans are subject to review and approval by DEQ §319 staff and/or surface water staff. For ground water sampling or implementation, a DEQ hydrogeologist should review the ground water plan within the time frame included in the project subgrant. Section 319 projects must be monitored to establish percent effectiveness at achieving the desired results. For example, a project manager may choose to use photographic monitoring to demonstrate improvements to a riparian habitat and vegetation growth over time or to show the amount of sediment removed from a sediment basin during scheduled maintenance. This type of monitoring has proven to be a reasonable and a cost-efficient method for determining BMP effectiveness when compared to more costly monitoring alternatives.

In some cases, photo monitoring would be insufficient to demonstrate the effectiveness of certain BMPs. Under these circumstances, DEQ may call for an alternative monitoring approach. The details of an alternative monitoring plan must be worked out with DEQ staff during the project design stage to ensure the data will provide the best indication of BMP effectiveness.

In general, §319 subgrants are not subject to mandatory water quality monitoring. It is a voluntary effort and therefore difficult to determine actual water quality improvements to streams where §319 funding has been provided. It is common for DEQ regional office surface water staff to conduct at least one §319 subgrant monitoring project on a yearly basis, dependent on available funds and resources within each of the regions.

Additional funding and staff resources are needed for the §319 program to conduct monitoring efforts to determine if water quality improvements have resulted from grant projects. Additional funding should be sought out where possible. There are opportunities for DEQ to work collaboratively with organizations such as the Student Conservation Association, where college students conduct data collection. The Student Conservation Association is known for working with mostly federal agencies such as the US Forest Service and the National Park Service on water quality sampling and data collection.

## **2.4 Project Evaluations and Reporting**

Project evaluation is an important component of the §319 grant program and helps to ensure resources are being used effectively. Projects are subject to a task and financial review at any time over the life of the project. The NPS Management Program schedules a site visit to 50% of the active projects each year to ensure that work is being completed according to the project work plan and the project is operating within its budget.

Each project must meet minimum reporting requirements. Project managers are required to submit progress reports with each invoice submitted. A final report summarizing the entire project and costs must be submitted to DEQ no later than 90 days after the subgrant has expired. Once the final report has been reviewed and approved by program staff, the project is closed out.

## **2.5 Program Reporting and Financial Management**

As a condition of its §319 grant and base funding requirement, DEQ must use the federal Grants Reporting and Tracking System to input required elements into EPA's database. In addition, DEQ is required to provide an annual performance and progress report highlighting the program's accomplishments over the previous year.

DEQ has a process in place that ensures proper management and oversight of subgrantee disbursements. All subgrantees are required to submit online invoices, which track a project's §319 expenses and the match expenses. Effective in state fiscal year 2015, all subgrantees must provide copies of receipts, timesheets, and any other documentation to verify costs identified in the invoice. The invoices are reviewed internally to make sure they correspond with the activities and associated costs identified in the subgrantee work plan. The program staff regularly track the agency's overall §319 grant funds.

## **3 Idaho Background**

According to 2010 US Census Bureau data, Idaho is the 40th most populated state in the country but experienced the 4th largest percent population growth between 2000 and 2010. Idaho is one of the nation's least densely populated states, ranking 46th (IDL 2014). Approximately 1.6 million people live within Idaho's 82,643 square miles (US Census Bureau 2013).

Idaho's landscape is rugged, with some of the largest natural areas in the country, abundant natural resources, and numerous scenic areas. The state has snow-capped mountain ranges, world-class rapids, vast lakes, and steep canyons. Land use in Idaho can be broadly categorized into urban/suburban, agricultural, and undeveloped uses. Highly concentrated and expanding urban and industrial centers along with shrinking agricultural and undeveloped areas characterize Idaho's current land use trends. Because of the increasing population and variable land uses, the state's streams, lakes, and ground water are affected to varying degrees by point and nonpoint sources of pollution (DEQ 2014b).

Idaho's climate is diverse and influenced by Pacific weather patterns, which help moderate temperature extremes. Generally, the northern part of the state has greater precipitation than the south. The southern part of the state is drier and warmer. Idaho's growing season varies from approximately 200 days near the city of Lewiston to very brief at high altitudes. Winds may accompany cold fronts and thunderstorms, but hail damage is relatively rare (State of Idaho 2013).

Five Indian reservations exist in Idaho: the Coeur d'Alene Indian Reservation (Coeur d'Alene Tribe), Duck Valley Indian Reservation (Shoshone-Paiute Tribes), Fort Hall Indian Reservation (Shoshone-Bannock Tribes), Nez Perce Indian Reservation (Nez Perce Tribe), and the Kootenai Indian Reservation (Kootenai Tribe of Idaho). Other Native American tribes with ties to Idaho include the Northwestern Band, Shoshone in Utah; the Burns-Paiute General Council of Burns, Oregon; the Kalispel Tribe in Washington; and the Confederated Salish and Kootenai Tribe, based in Montana.

Major industries in Idaho include manufacturing, healthcare, tourism, agriculture, food processing, timber, and mining (State of Idaho 2013).

### **3.1 Water Resources**

Ground water is a key resource supporting many aspects of Idaho's way of life. It replenishes our streams and rivers and provides fresh water for irrigation, industry, and communities. In addition, ground water supplies 95% of the state's drinking water. As Idaho's population grows, so does the need for clean, usable ground water.

The Idaho Department of Water Resources (IDWR) has identified 70 major aquifer types in Idaho. The state has three sole source aquifers: the Spokane/Rathdrum Prairie aquifer in northern Idaho; the Lewiston Basin aquifer in north-central Idaho; and the Eastern Snake River Plain aquifer in southeastern and south-central Idaho. Major rivers in Idaho include the Snake, Clark Fork/Pend Oreille, Clearwater, Salmon, Coeur d'Alene, Boise, Payette, and Bear Rivers.

With over 95,000 miles of streams and rivers and 460,000 acres of lakes and reservoirs, water is one of Idaho's most important resources. These streams and lakes, along with their associated wetlands, not only provide great natural beauty, they supply the water necessary for drinking, recreation, industry, agriculture, and aquatic life. A summary of the state's water resources is presented in Table 1 (DEQ 2014b).

**Table 1. Summary of Idaho water resources.**

<b>Resource</b>	<b>Value</b>
Total number of river and stream miles	95,119 <sup>a</sup>
• Number of perennial stream miles	49,497
• Number of intermittent stream miles	42,754
• Number of other stream miles	9,113
Acres of lakes and reservoirs	469,045
Acres of freshwater wetlands	712,270
Miles of river wholly or partially on tribal land	3,416
Acres of lake wholly or partially on tribal land	106,808
Percentage of state's total water supply represented by ground water	22%

<sup>a</sup> The number of perennial, intermittent, and other miles exceed the total miles because artificial paths and connectors that network or connect the hydrograph between rivers, lakes, swamps, and marshes create additional miles, as do portions of the artificial paths that were originally mapped as polygons in the National Hydrography Dataset.

### 3.2 Landownership

Table 2 provides a breakdown of landownership in the state of Idaho. Approximately 63.1% of all lands in Idaho are federally owned and managed.

**Table 2. Idaho landownership.**

<b>Ownership</b>	<b>Size (acres)</b>	<b>Percent of Total<sup>a</sup></b>
Federal	<b>33,412,277</b>	<b>63.1</b>
Bureau of Land Management	11,836,481	22.3
US Forest Service	20,458,276	38.6
Other	1,117,520	2.1
State	<b>2,693,260</b>	<b>5.1</b>
Endowments	2,458,405	4.6
Fish and Game	187,769	0.4
Parks and Recreation	38,407	0.1
University of Idaho Board of Regents	8,679	<0.1
Private	<b>16,271,679</b>	<b>30.7</b>
Tribal	<b>464,077</b>	<b>0.9</b>
County	<b>96,311</b>	<b>0.2</b>
Municipal	<b>22,972</b>	<b>&lt;0.1</b>
<b>Total</b>	<b>52,960,576</b>	<b>100.0</b>

Source: Idaho Legislative Services Office 2013

<sup>a</sup> Percentages may not total due to rounding.

## 4 Nonpoint Source Pollution and Roles of the Public and Partner Agencies

Unlike pollution that is discharged directly from a pipe into surface waters, NPS pollution comes from many diffuse sources and generally does not have a single point of origin. NPS pollution

can be natural, such as sediment, or human-made, such as chemicals and toxics. It is generally created in or on the land and carried off by stormwater runoff when it rains or the snowpack melts. The runoff picks up and carries away the pollutants, finally depositing them into nearby surface waters, including streams, rivers, and lakes. NPS pollutants may eventually leach into ground water, particularly if an industry is concentrated in one area. Ground water contamination is especially concerning because more than 95% of Idahoans rely on ground water for their drinking water.

A few examples of nonpoint sources and the pollution they can create include the following:

- Agricultural fields and urban areas (e.g., parks and golf courses) and the sediment, fertilizer, and pesticides that can be discharged due to improper irrigation practices or major stormwater events
- Residential landscapes and cattle feedlots and the nutrient-laden waste generated by pets and livestock
- Septic systems and the nitrogen and phosphorus waste they can release if they are poorly maintained or failing
- Roads, parking lots, and sidewalks and the sediment, salts, and oils that can run off and be released from these impervious surfaces

As these examples illustrate, nonpoint source pollution originates from a multitude of sources that can only be addressed through the combined efforts of multiple Idaho agencies, federal agencies, and the Idaho public. While the specific roles of Idaho's many partner agencies are discussed in the following subsections, public participation is ensured through the requirements of Title 39, Chapter 36 of Idaho code (Idaho 2014a), which states the following:

No person may conduct a new nonpoint source activity on or affecting an outstanding resource water, except for a short-term or temporary activity as set forth in section 39-3602, Idaho Code, prior to approval by the designated agency as provided in this section.

(1) Within six (6) months of designation of an outstanding resource water by the legislature, the designated agency shall develop best management practices for reasonably foreseeable new nonpoint source activities. In developing best management practices the designated agencies shall:

- (a) Solicit technical advice from state and federal agencies, research institutions, and universities and consult with affected landowners, land managers, operators, and the public;
- (b) Shall assure that all public participation processes required by law have been completed, but if no public participation process is required by law, will require public notification and the opportunity to comment; and
- (c) Recommend proposed best management practices to the board of environmental quality.

(2) The board of environmental quality and designated agencies shall adopt the proposed best management practices that are in compliance with the rules and

regulations governing water quality standards, and based on the recommendations of the designated agency and the comments received during the public participation process;

(3) After adoption, these best management practices will be known as the outstanding resource water best management practices and will be published by the designated agency. Outstanding resource water approved best management practices will be reviewed and revised where needed by the designated agency every four (4) years in consultation with the department, landowners, federal managers, operators and the public to determine conformance with objectives of this chapter;

(4) Following adoption of best management practices, the designated agency shall require implementation of applicable outstanding resource water best management practices which will assure that water quality of an outstanding resource water is not lowered;

(5) Where outstanding resource water best management practices have not been adopted as set forth in subsections (1) through (4) of this section, the designated agency shall:

(a) Assure that all public participation processes required by law have been completed, but if no public participation process is required by law, the designated agency shall provide for public notification of the new activity and the opportunity to comment;

(b) Determine that the site-specific best management practices selected for a new nonpoint source activity are designed to ensure that water quality of the outstanding resource water is not lowered; and

(c) Provide for review by the department that the activity is in compliance with rules and regulations governing water quality standards.

(6) When the applicable outstanding resource water best management practices are applied, the landowner, land manager, or operator applying those practices will be in compliance with the provisions of this chapter. In the event water quality is lowered, the outstanding resource water best management practices will be revised within a time frame established by the designated agency to ensure water quality is restored.

## **4.1 Sources of Best Management Practices**

In this Plan the term Best Management Practices (BMPs) is commonly used as a descriptor for all relevant state and federal conservation practices. BMPs are commonly used to address all nonpoint sources of pollution generated in, for example, the agriculture, silviculture, transportation and other sectors. Depending on the sector the agency designated as having the

primary responsibility for oversight may be the one called upon to develop and/or implement the specific BMPs.

Best management practices (BMPs) used to mitigate nonpoint pollution are often selected from the NRCS Practice Standards (BMPs)

[http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/technical/references/?cid=nrcs143\\_026849](http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/technical/references/?cid=nrcs143_026849). The sponsors of many of our funded projects utilize one or several of these practices in the course of completing their work.

Once Idaho funds a project, the sponsors draft a conservation plan that follows the directions offered in NRCS's FOTG (Field Office Technical Guide). There is a specific FOTG for every county in every state in the country, addressing the following:

- Section I — General References. In this section are general state maps, descriptions of Major Land Resource Areas, watershed information, and links to NRCS reference manuals and handbooks. Section I contains links to researchers, universities, and agencies we work. Section I also contains conservation practice costs, agricultural laws and regulations, cultural resources, and information about protected plant and animal species.
- Section II — Soil and Site Information. In this section you will find detailed information about soil, water, air, plant, and animal resources. NRCS Soil Surveys, Hydric Soils Interpretations, Ecological Site Descriptions, Forage Suitability Groups, Cropland Production Tables, Wildlife Habitat Evaluation Guides, Water Quality Guides, and other related information can be found here as it becomes available.
- Section III — Conservation Management Systems. In this section you will find information on NRCS Quality Criteria, which establish standards for resource conditions that help provide sustained use.
- Section IV — Practice Standards and Specifications. In this section you will find the NRCS Conservation Practices. Practice Standards define the practice and where it applies. Practice specifications are detailed requirements for installing the practice in the state.
- Section V — Conservation Effects. In this section you will find background information on how Conservation Practices affect each identified resource concerns in the state.

To ensure effectiveness, the BMPs are routinely assessed and modified as described in section 6.4, page 57.

## 4.2 Nonpoint Source Pollution and Native American Tribes

Native American Tribes participate in Idaho nonpoint source management in two ways:

- First, EPA (2014) “offers grants and technical assistance to support tribal environmental programs in assessing and managing their nonpoint source pollution problems and threats.” Two such grants are listed in section 4.3.1, Agricultural Practices. These grants are made directly to the Tribe from EPA.
- Second, Tribes participate as members of Watershed Advisory Groups and Basin Advisory Groups, as described in section 5.8, Basin Advisory Groups, Watershed Advisory Groups, and Technical Advisory Groups. As members of these groups, Tribes influence the prioritization of Idaho NPS projects.

### 4.3 Categories of Nonpoint Source Pollution

This section identifies the categories of NPS pollution and agency roles and responsibilities in NPS management activities for each identified category. Since NPS pollutants are generally transported through overland flow, widespread land use practices have the greatest potential for contributing pollutants. In addition, this section provides a list of funding sources available to address NPS pollution. Table 3 provides an overview of these agencies and categories, who are involved in the identification and prioritization of nonpoint source projects as described in Section 5.8. Appendix A details on-going efforts and goals identified for each category of pollution and for the program in general (Table A1).

**Table 3. Nonpoint source pollution categories and involved agencies.**

Agency/ Program	Agriculture	Grazing	Natural Resource Extraction	Timber/ Silviculture Management	Urban/ Suburban Development	Transportation
DEQ	X		X	X	X	X
ISDA	X				X	
ISWCC	X					
SWCDs	X					
ARS	X					
NRCS	X					
EPA	X			X	X	
Health districts					X	
IDFG	X		X	X		X
IDWR	X		X	X	X	
USGS	X					
IDL		X	X	X		X
ITD					X	X
BOR	X					
USACE	X		X	X	X	X
USFS		X	X	X		X
BLM		X	X	X		X
Tribes (EPA 2014b)	X	X		X		X

The following federal agencies have general NPS pollution prevention roles and responsibilities applicable for multiple categories of pollution:

- US Bureau of Land Management (BLM)**—The BLM is responsible for the administration, management, and protection of nearly 12 million acres of public lands in Idaho. The BLM regulates, licenses, and enforces land use activities that may result in NPS pollution. The agency also maintains or improves surface and ground water quality consistent with state and federal water quality standards, minimizes harmful

consequences of activities that could result in NPS pollution, and inventories, monitors, and evaluates water quality data necessary for the proper management of public lands.

- **US Army Corps of Engineers (USACE)**—Although §404 of the Clean Water Act deals with point source discharges, the agency attempts to include permit conditions with on-site and construction BMPs that will reduce NPS pollution (e.g., vehicle fueling outside jurisdiction areas, sediment and erosion measures, and concrete washout away from jurisdictional areas).
- **US Forest Service (USFS)**—The USFS is the responsible management agency for NPS pollution controls on all National Forest System Lands. The USFS manages approximately 20 million acres in Idaho, including many headwater areas. The agency is responsible for meeting Idaho water quality standards and implementing NPS pollution controls for land use activities such as silviculture, grazing, mining, and road construction.

Agencies with roles and responsibilities specific to each of the resource areas are discussed below for each category of NPS pollution.

#### **4.3.1 Agricultural Practices**

NPS pollution from agricultural activities alters water quality in some of Idaho's waters. These activities can increase nutrient, sediment, pesticide, and pathogen loads in waterways as a result of crop and livestock production, including land application of livestock manure as crop fertilizer. Water infiltrating into the soil can carry nutrients, metals, and hydrocarbons that can contaminate ground water resources. Public land grazing has been identified under agricultural practices.

Agriculture is a key economic contributor to the state's economy. In 2011, Idaho had 24,700 farms with an average size of 462 acres. Income from crops in 2011 was estimated at \$3.3 billion, and livestock income was reported at \$398 million. In 2012, the Idaho Legislative Services Office reported that 4,404,000 acres were planted and 4,260,000 were harvested (Idaho Legislative Services Office 2013).

In addition to DEQ, the following agencies are responsible for addressing NPS impacts as they relate to agricultural sources: Idaho State Department of Agriculture (ISDA), the Idaho Department of Lands (IDL), the Idaho Soil and Water Conservation Commission (ISWCC), Idaho's 50 local soil and water conservation districts (SWCDs), the US Department of Agriculture (USDA) Agricultural Research Service (ARS), the USDA Natural Resources Conservation Service (NRCS), EPA, the Idaho Department of Fish and Game (IDFG), IDWR, US Geological Survey (USGS), USACE, the Bureau of Land Management (BLM), the US Forest Service (USFS), and the US Bureau of Reclamation (BOR). The roles of these agencies are discussed below. Appendix A, Table A2, identifies agricultural goals related to NPS management.

#### ***Idaho Department of Environmental Quality (DEQ)***

DEQ's role in NPS management as it relates to agriculture includes the following:

- Conducts statistically designed ground water quality monitoring and nutrient-pathogen evaluations

- Participates in a multi-agency confined animal feeding operation (CAFO) site advisory team
- Approves ground water quality monitoring programs for managed recharge by land application
- Participates in the agricultural education committee
- Implements a formal policy for addressing and prioritizing areas with degraded ground water quality and coordinates management or improvement strategies for implementation in areas with degraded ground water quality
- Reviews monitoring results and evaluates impacts from agriculture and animal waste
- Prepares guidance documents that provide for rule interpretation and chairs the Ground Water Monitoring Technical Committee
- Focuses on monitoring and TMDL development
- Provides funding to address agriculture NPS issues

### ***Idaho State Department of Agriculture (ISDA)***

ISDA's role in NPS management as it relates to agriculture includes the following:

- Regulates pesticide application and fertilizer registration and establishes safe application requirements for both pesticides and fertilizers
- Assists in developing agricultural BMPs in support of the *Idaho Agricultural Pollution Abatement Plan (Ag Plan)* (RPU 2003)
- Implements an Idaho pesticide management plan (PMP) for ground water protection and the "Rules Governing Pesticide management Plans for Ground Water Protection" (IDAPA 02.03.01)
- Implements the Surface Water Pesticide Monitoring and Protection Program, which includes monitoring, education, and the promotion of BMPs
- Participates in the Ground Water Monitoring Technical Committee, which is charged with reviewing monitoring results to identify and address agricultural water quality impacts and making recommendations to agencies or watershed advisory groups (WAGs) for needed protections or remediation, as appropriate
- Works with ISWCC to carry out project-specific implementation monitoring and BMP effectiveness monitoring
- Implements the dairy and beef CAFO programs (in conjunction with DEQ and EPA)—monitors ground water associated with dairy operations and ensures dairy waste systems and practices are in accordance with the provisions outlined in the *Idaho Waste Management Guidelines for Confined Feeding Operations* (Palmer 1993)
- Works in partnership with DEQ, ISWCC, and the Idaho Association of Soil Conservation Districts (IASCD) to integrate the [Idaho Farm and Home\\*A\\*Syst](#) initiative into program and project work

### ***Idaho Soil and Water Conservation Commission (ISWCC)***

ISWCC's roles in NPS management include the following:

- Implements the Ag Plan (RPU 2003) for private and state agricultural lands

- Coordinates periodic review and update of the Ag Plan (including all new BMPs) in consultation with the advisory committees and chairs the Ag Plan BMP technical committee
- Provides technical assistance to owners and operators of private lands with planning, implementing, and evaluating BMPs
- Administers incentive programs to encourage adoption of voluntary conservation practices such as the Resource Conservation and Rangeland Development Program, which provides low-interest conservation loans
- Works in cooperation with local SWCDs and the NRCS to develop and implement agricultural portions of TMDL implementation plans
- Assists and supports the 50 SWCDs in carrying out their powers and programs, including working toward achieving the TMDL-defined load reductions necessary to meet water quality standards
- Promotes and supports water quality projects to maintain and enhance ground water quality
- Assists conservation districts in planning and implementation efforts in nitrate priority areas (NPAs) to reduce nitrate contamination
- Makes improvements to the *Idaho OnePlan*

#### ***Soil and Water Conservation Districts (SWCDs)***

Idaho's fifty SWCDs assist private landowners and land users in conserving, managing, and enhancing Idaho's natural resources. NPS planning and implementation efforts for agriculture are carried out at the local level through a partnership of the SWCDs, ISWCC, and NRCS and include the following:

- Assist landowners and land users with implementing the Ag Plan (RPU 2003) and BMPs
- Coordinate education and outreach activities
- Provide input to BAGs and WAGs and represent agricultural interests in drafting TMDLs and agricultural implementation plans that comply with Idaho water quality laws
- Assist WAGs by functioning as liaisons to private landowners—SWCDs have been instrumental in developing WAGs and also play a major role in the local administration of state and federal cost-sharing projects
- Through the IASCD and National Association of Conservation Districts, oversee and participate in state and national agricultural initiatives
- Develop 5-year resource conservation plans to establish and recognize agricultural NPS water quality priorities
- Review local needs, developing and/or modifying and adopting component practices to be used to develop BMPs to meet state water quality standards and to protect beneficial uses
- Implement water quality projects across the state to maintain and enhance ground water quality efforts in NPAs to reduce nitrate contamination

#### ***USDA Agricultural Research Service (ARS)***

ARS's role in NPS management as it relates to agriculture includes the following:

- Researches the cause-and-effect relationship between agricultural management practices and soil and water conservation to help evaluate existing management practices and develop new practices for improving and protecting surface and ground water quality

***USDA Natural Resources Conservation Service (NRCS)***

NRCS’s role in NPS management as it relates to agriculture includes the following:

- Works with DEQ, ISWCC, IASCD, and ISDA to create certified nutrient management plans in Idaho
- Offers the software (*Idaho OnePlan*) and training for individuals to become certified nutrient management planners in Idaho
- Chairs the Idaho state technical advisory committee, through which priorities and processes are incorporated into planning and implementation activities
- Administers, with the Farm Service Agency, agricultural programs outlined in the 2014 US Farm Bill to assist private landowners with implementing conservation practices to address resource concerns

***US Environmental Protection Agency (EPA)***

EPA’s role in NPS management as it relates to agriculture includes the following:

- Works with USDA agencies and the ISDA on nutrient management plan issues relating to CAFOs
- Provides funding to DEQ for NPS watershed projects

***Idaho Department of Fish and Game (IDFG)***

IDFG’s role in NPS management as it relates to agriculture includes the following:

- Provides BAGs with information regarding the presence or absence of aquatic species listed as “threatened,” “endangered,” or “candidate” pursuant to the federal Endangered Species Act
- Works with local, state, federal, and private (e.g., Trout Unlimited) partners to ensure consistency in habitat and fish restoration activities statewide—involved in most implementation efforts dealing with riparian or habitat restoration and protection and provides technical assistance and funding, as necessary
- Partners with the ISWCC and the NRCS to help ensure water on all agricultural lands meets state water quality standards and beneficial uses

***Idaho Department of Water Resources (IDWR)***

IDWR’s role in NPS management as it relates to agriculture includes the following:

- Administers appropriation and allotment of surface and ground water resources of the state, including geothermal resources, and protects these resources against waste and contamination
- Conducts statewide river basin studies to help with long-term planning related to ground water and surface water interactions and use

- Maintains the Statewide Ambient Ground Water Monitoring Program and data management system

### ***US Geological Survey (USGS)***

The USGS water resources division's role in NPS management as it relates to agriculture includes the following:

- Collects, analyzes, and reports general hydrologic and water quality data throughout the state
- Conducts special studies upon request from various state and federal agencies on water supply and quality in areas of changing land and water use patterns

### ***USGS is one of the major participants, along with DEQ and IDWR, in efforts pertaining to ambient ground and surface water monitoring and providing information used in the TMDL process. US Bureau of Reclamation (BOR)***

BOR is responsible for planning, constructing, operating, and maintaining federal irrigation projects as defined in applicable sections of reclamation law and through delegations provided under the Clean Water Act. Activities relating to these responsibilities and NPS agricultural pollution include the following:

- Provides technical assistance during irrigation BMP evaluations
- Performs water quality monitoring related to federal irrigation projects
- Implements structural and nonstructural water management programs and projects
- Scopes irrigation-related aspects of the NPS management plan

BOR remains an important partner in many projects related to enhancing fish passage, habitat, water quality monitoring, agricultural drain relocations, and other studies; participates on the state technical committees; and is active in other coordinated watershed management and implementation activities.

### ***Idaho Department of Lands (IDL)***

IDL's role in NPS management as it relates to agriculture includes the following:

- On state rangelands and cropland, coordinates with state grazing and cropland lessees to apply BMPs that will protect beneficial uses of water
- Participates in Watershed Advisory Groups (WAGs) to assist DEQ in development and review of Total Maximum Daily Loads: Water Quality Improvement Plans, which identify and address agricultural activities that impact water quality
- Requires staff participation in Professional Applicator Licensing of pesticide applications and established safe application requirements on state endowment trust lands
- Coordinates with state grazing and cropland lessees to implement Farm Service Agency agricultural programs outlined in the 2014 US Farm Bill to assist landowners with implementing conservation practices to address resource concerns
- Works with local, state, federal, and private partners to ensure consistency in BMPs, implement riparian and fish habitat restoration and protection activities statewide
- On state endowment trust lands, administers Rules and Laws of the State (IDAPA 20.03.14.115) and takes enforcement action when needed

### ***Tribes***

EPA Tribal Nonpoint Source Information (2014) lists the following NPS project in Idaho:

- The Nez Perce Tribe plans to restore 30 acres of ranch adjacent to Lawyer Creek, in a cooperative project with the Idaho County Soil and Water District and the US Fish and Wildlife Service.
- The Shoshone Tribes of Duck Valley have been awarded funds to address NPS pollution from livestock production.

### **4.3.2 Natural Resource Extraction**

Natural resource extraction carried out during mining activities (i.e., mineral extraction, gas production, and nonmineral extraction) can be a source of sediment, heavy metals, sulfates, hydrocarbon, brine, and acid pollution. Water can carry these types of pollutants to both surface and ground water resources.

As of July 2014, approximately 216 of the total mining projects on federal land are considered potential nonpoint sources. The number of mining projects located on state-owned land is 185.

In addition to DEQ, the following agencies are involved in addressing NPS management as it relates to natural resource extraction on public and/or private land: IDWR, Idaho Department of Lands (IDL), IDFG, BLM, USACE, and USFS. Appendix A, Table A3, lists goals related to natural resource extraction and NPS management.

#### ***Idaho Department of Environmental Quality (DEQ)***

DEQ's role in NPS management as it relates to natural resource extraction includes the following:

- Assists mining operations to characterize hydrogeologic conditions and background ground water quality prior to initiating mining activities
- Works with IDL to ensure oil and gas development is conducted in accordance with the Idaho "Ground Water Quality Rule" (IDAPA 58.01.11)
- Conducts monitoring and TMDL development
- Conducts site investigations and inspections as necessary
- Focuses on cleanup and remediation activities in areas where mining activities have contaminated soils and surface waters
- Provides technical assistance to responsible state and federal agencies and private organizations/owners as requested

#### ***Idaho Department of Water Resources (IDWR)***

IDWR's role in NPS management as it relates to natural resource extraction includes the following:

- Regulates stream channel alterations under the Stream Channel Protection Act, in conjunction with the USACE, and evaluates the safety of most impoundment structures, including irrigation and stock-pond facilities and mine tailings impoundments under the Dam Safety Program

**Idaho Department of Lands (IDL)**

IDL's role in NPS management as it relates to natural resource extraction includes the following:

- Regulates dredge and placer mining operations under the Idaho Dredge and Placer Mining Protection Act and surface mining under the Idaho Surface Mining Act (Both of these regulatory programs are coordinated with other state and federal agencies)
- Reclaims abandoned mine lands under the Idaho Abandoned Mine Reclamation Act
- Regulates docks, rip-rap, and other encroachments on navigable lakes under the Idaho Lake Protection Act

**Idaho Department of Fish and Game (IDFG)**

IDFG's role in NPS management as it relates to natural resource extraction includes the following:

- Works with local, state, federal, and private (e.g., Trout Unlimited) partners to ensure consistency in habitat and fish restoration activities statewide—involved in most implementation efforts dealing with riparian or habitat restoration and protection and provides technical assistance and funding, as necessary

**4.3.3 Timber/Silviculture Management**

Erosion of land from timber harvesting techniques, access roads, and loss of vegetative cover can cause excess sediment. Idaho has 12 million acres of BLM land and over 20 million acres of USFS-managed land.

The number of impaired stream assessment units (AUs) that intersect USFS land is 1,004, and the number of impaired lakes is 9. These AUs are captured in the Integrated Report in either Category 4a (EPA-approved TMDL), Category 5 (needing a TMDL), or both. (See section 5.8 for additional information on impaired streams.)<sup>1</sup>

In addition to DEQ, the following agencies are responsible for addressing NPS impacts as they relate to timber/silviculture on public and/or private land: IDWR, IDL, IDFG, BLM, USACE, USFS, and EPA. Appendix A, Table A4, lists goals related to timber/silviculture management and NPS pollution.

**Idaho Department of Environmental Quality (DEQ)**

DEQ's role in NPS management as it relates to timber/silviculture includes the following:

- Coordinates and implements a statewide forest practices/water quality audit every 4 years that includes IDL, private forestland owners, USFS, and BLM on the audit team. The audit serves as formal monitoring of silviculture BMP compliance on forest practices implemented on state, private, and federal forestlands throughout Idaho.
- Based on findings from the quadrennial audit, DEQ submits to IDL recommendations for corresponding Forest Practices Act administrative rule changes
- Focuses on monitoring and TMDL development

<sup>1</sup> Waters of the state are categorized using assessment units (AUs). An AU is a group of similar stream segments that have similar land-use practices, ownership, or land management.

- Coordinates water quality management and implementation efforts with IDL, USFS, and BLM on state, private, and federal forestlands

#### ***Idaho Department of Lands (IDL)***

IDL's role in NPS management as it relates to timber/silviculture includes the following:

- Ensures compliance with Forest Practices Act administrative rules (silviculture NPS BMPs) on all state and private forestlands in the state
- On state forestlands, applies BMPs that will protect beneficial uses of water
- On state and private lands, administers the Idaho Forest Practices Act (IDAPA 20.02.01) and takes enforcement action when needed
- Coordinates with DEQ in conducting the quadrennial forest practices/water quality audits, which help achieve state–federal consistency for NPS activities on forestlands
- Works with the Idaho Forest Practices Act Advisory Committee to promulgate new and revised Forest Practices Act administrative rules (silviculture NPS BMPs). The committee has nine voting members across the state representing family forest owners, industrial forest owners, fisheries biologists, citizens at large, and logging operators.

#### ***Idaho Department of Water Resources (IDWR)***

IDWR's role in NPS management as it relates to timber/silviculture includes the following:

- Regulates stream channel alterations under the Stream Channel Protection Act, in conjunction with the USACE.

#### ***US Environmental Protection Agency (EPA)***

EPA's role in NPS management as it relates to timber/silviculture includes the following:

- Works with state and federal agencies and tribes to address NPS issues associated with silviculture operations on private, state, federal, and tribal lands
- Reviews and comments on silviculture activities and practices within National Environmental Policy Act documents
- Reviews, provides comment, and provides technical support to IDL and DEQ in forest practices rule development and monitoring of forest practice rule implementation
- Provides technical support to DEQ in evaluating forestry impacts to impaired waters in TMDLs and in the water body assessment process
- Provides financial and technical support to develop forestry analysis tools (e.g., USFS GRAIP model)

### **4.3.4 Urban and Suburban Development**

Urban and suburban development contributes to NPS pollution, specifically through domestic, municipal, industrial, and commercial land development activities and uses. On-site sewage disposal, or septic systems, can be a source of nutrients, pathogens, salts, and pharmaceuticals and personal care product pollution in both surface water and ground water. Urban runoff and drainage systems provide direct access for hydrocarbons, pesticides, nutrients, pathogens, salts, heavy metals, and thermal pollution to enter waterways and ground water.

Population density and intensity of land use in urban and suburban areas influence the concentrations of pollutants in waters draining from these areas. Examples of these sources include residential septic tanks and (drainfields), solid waste disposed in landfills, hazardous chemicals and materials, and alteration of urban and suburban riparian and wetland areas.

Along with DEQ, the following agencies are responsible for NPS management activities related to urban and/or suburban development: Idaho health districts, IDWR, ISDA, Idaho Transportation Department (ITD), USACE, and EPA. Appendix A, Table A5, lists goals related to urban/suburban development and NPS pollution.

### ***Idaho Department of Environmental Quality (DEQ)***

DEQ's role in NPS management as it relates to urban/suburban development includes the following:

- Conducts statistically designed ground water quality monitoring and nutrient-pathogen evaluations
- Implements a formal policy for addressing and prioritizing areas with degraded ground water quality and coordinates management or improvement strategies for implementation in areas with degraded ground water quality
- Reviews monitoring results and evaluates impacts from septic systems
- Works to prevent contaminants from entering public water system supplies and provides assessments of all recognized public water sources
- Ensures that solid wastes generated in or entering Idaho are managed and disposed in a manner protective of human health and the environment
- Investigates possible NPS pollution from abandoned and inactive industrial facilities (e.g., landfills, airfields). With voluntary agreement from the landowner, DEQ performs desktop research to identify possible contaminants of concern and a field site inspection to collect samples. The results and recommendations for follow-up actions are summarized in a final report.
- Focuses on the proper management and disposal of wastewater to protect public health and Idaho's surface and ground water resources
- Assesses the impact to ground water from large soil absorption systems, which are drainfields that receive 2,500 gallons per day or more, and assesses the potential impact to adjacent surface water bodies due to a large soil absorption system or a subdivision containing multiple single family residences equipped with drainfields
- Provides technical assistance and support for controlling stormwater in Idaho. The *Catalog of Stormwater Best Management Practices for Idaho Cities and Counties* (DEQ 2005) contains pertinent technical information, and DEQ provides review for facilities that control, treat, or dispose of stormwater if requested by the developer or design engineer.
- Focuses on water quality protection by setting water quality standards and antidegradation policy/implementation for high-quality waters
- Where water quality falls below water quality standards, develops TMDLs to bring those waters back to meeting standards
- Provides technical assistance to private organizations/owners as requested
- Conducts site investigations and inspections as necessary

**Health Districts**

The health districts' role in NPS management as it relates to urban/suburban development includes the following:

- Ensure that individual and subsurface sewage disposal systems are properly planned, permitted, installed, and operated
- Work closely with DEQ to maintain the *Technical Guidance Manual: Individual and Subsurface Sewage Disposal Systems* (DEQ 2014d) as a means of supporting consistent standards for these systems statewide

**Idaho Department of Water Resources (IDWR)**

IDWR's role in NPS management as it relates to urban/suburban development includes the following:

- Regulates stream channel alterations under the Stream Channel Protection Act, in conjunction with the USACE, and the safety of most impoundment structures, including irrigation and stock-pond facilities and mine tailings impoundments under the Dam Safety Program
- Maintains the Statewide Ambient Ground Water Monitoring Program and data management system
- Regulates wastewater disposal by injection wells through the Underground Injection Control Program

**Idaho State Department of Agriculture (ISDA)**

ISDA's role in NPS management as it relates to urban/suburban development includes the following:

- Regulates pesticide application and fertilizer registration, establishes safe application requirements for both pesticides and fertilizers, and develops an Idaho PMP
- Works in partnership with DEQ, ISWCC, and IASCD to integrate the [Idaho Farm and Home\\*A\\*Syst](#) initiative into program and project work

**Idaho Transportation Department (ITD)**

ITD's role in NPS management as it relates to urban/suburban development includes the following:

- Maintains the *Best Management Practices Manual* (ITD 2014), which includes temporary and construction site BMPs and permanent and post construction BMPs
- Maintains the *Environmental Process Manual* (ITD 2011) to provide guidance for complying with federal, state, and local environmental laws and regulations while planning, designing, constructing, and maintaining transportation facilities in Idaho
- Completes roadway and right-of-way maintenance in compliance with state and federal regulations pertaining to water quality, air quality, the Idaho PMP, and the Idaho "Ground Water Quality Rule"

### 4.3.5 Transportation

Transportation routes (e.g., roads, highways, and railroads) can be significant sources of NPS pollution. Specifically, runoff from transportation facilities and infrastructure can carry pollutants including hydrocarbons, salts, and sediment. Water infiltrating into the soils can carry with it nutrients, metals, and hydrocarbons that can contaminate ground water resources.

In addition to DEQ, the following agencies are responsible for NPS management activities as they relate to transportation: IDFG, IDL, ITD, BLM, USFS, and USACE. Appendix A, Table A6, lists goals related to transportation and NPS pollution.

#### ***Idaho Department of Environmental Quality (DEQ)***

DEQ's role in NPS management as it relates to transportation-related projects includes the following:

- Reviews proposed projects and issues Clean Water Act §401 water quality certifications
- Conducts site investigations and inspections as necessary

#### ***Idaho Department of Fish and Game (IDFG)***

IDFG is involved in most implementation efforts that deal with riparian or habitat restoration and protection and provides technical assistance and funding, as necessary. IDFG's role in NPS management as it relates to transportation-related projects includes the following:

- Works with local, state, federal, and private (e.g., Trout Unlimited) partners to ensure consistency in habitat and fish restoration activities statewide.

#### ***Idaho Department of Lands (IDL)***

IDL's role in NPS management as it relates to transportation-related projects includes the following:

- Works closely with DEQ in conducting the quadrennial Forest Practices Act/water quality audits, which help achieve state-federal consistency for NPS activities on forestlands

#### ***Idaho Transportation Department (ITD)***

ITD's role in NPS management as it relates to transportation-related projects includes the following:

- Maintains the *Best Management Practices Manual* (ITD 2014), which includes temporary and construction site BMPs and permanent and post construction BMPs
- Maintains the *Environmental Process Manual* (ITD 2011) to provide guidance for complying with federal, state, and local environmental laws and regulations while planning, designing, constructing, and maintaining transportation facilities in Idaho
- Completes roadway and right-of-way maintenance in compliance with state and federal regulations pertaining to water quality, air quality, the Idaho PMP, and the Idaho "Ground Water Quality Rule"

## 4.4 Agency Coordination to Reduce NPS Pollution

Idaho's ongoing NPS program, well into its third decade, relies on the coordinated efforts of numerous agencies and organizations having an interest in the management of NPS water pollution. Since numerous agencies are involved with NPS pollution management, coordination among agencies is vital to reducing NPS pollution. Coordination can occur in a number of different ways, including the following:

- Where some activities clearly fall under the jurisdiction of federal partners, state agencies and other entities can assist with the oversight of projects on federal lands to make certain they are properly managed to reduce soil erosion. In these cases, a number of interagency agreements are in place to ensure compliance with state requirements. See section 4.4.1 for more information.
- Where some activities are state responsibilities, partners may assist with developing policies to protect water quality. Idaho has a comprehensive series of statutes, rules, information, and guidance to direct NPS pollution management.

The general, longer-term roles and responsibilities of the many partner agencies are described in Appendix A of this plan. The more specific, nearer-term tasks relative to the Idaho NPS Program are defined in the Water Quality Division Performance Partnership Agreement (PPA) between EPA and Idaho DEQ, a copy of which is provided in Appendix E.

The list below identifies the state and federal agencies as well as private partners that DEQ works with to abate and prevent NPS pollution.

### State Partners

- Idaho Department of Fish and Game (IDFG)
- Idaho Department of Lands (IDL)
- Idaho Department of Water Resources (IDWR)
- Idaho State Department of Agriculture (ISDA)
- Idaho Soil and Water Conservation Commission (ISWCC)
- Idaho Transportation Department (ITD)
- Idaho soil conservation districts (SCDs)
- Idaho health districts
- Office of Species Conservation

### Federal Partners

- US Environmental Protection Agency (EPA)
- USDA–Agricultural Research Service (ARS)
- US Bureau of Land Management (BLM)
- US Bureau of Reclamation (BOR)
- USDA Natural Resources Conservation Service (NRCS)
- US Forest Service (USFS)
- US Geological Survey (USGS)
- US Fish and Wildlife Service (USFWS)
- US Army Corps of Engineers (USACE)

## Public Partners

- Bonneville Power Administration
- Trout Unlimited
- Ducks Unlimited
- Rocky Mountain Elk Foundation

### 4.4.1 Agreements with Partner Agencies

DEQ’s working relationship with other agencies operating within Idaho on issues related to water quality and NPS pollution is largely defined and memorialized in two memoranda of understanding (MOU) and a cooperative agreement:

- The 2013 “Memorandum of Understanding between the Idaho Department of Environmental Quality, Idaho Department of Lands, US Department of Interior Bureau of Land Management, and the USDA Forest Service Northern and Intermountain Regions” defines the roles and responsibilities necessary for DEQ, IDL, USFS, and BLM to work cooperatively on silvicultural NPS issues within their respective jurisdictions. The MOU is available at [www.deq.idaho.gov/media/1041346-nps\\_program\\_implementation\\_mou\\_2013.pdf](http://www.deq.idaho.gov/media/1041346-nps_program_implementation_mou_2013.pdf).
- The 2008 “Idaho Ground Water Protection Interagency Cooperative Agreement” defines roles and sets requirements for ground water–related plans and programs that are fundamental to completing a comprehensive, statewide NPS management program. The agreement is available at [www.deq.idaho.gov/media/565903-interagency\\_gw\\_cooperative\\_agreement\\_2008.pdf](http://www.deq.idaho.gov/media/565903-interagency_gw_cooperative_agreement_2008.pdf).
- The “Memorandum of Understanding Implementing the Nonpoint Source Water Quality Program in the State of Idaho” and associated appendices outline the roles and responsibilities of the various agencies and organizations in implementing the NPS water quality provisions of the federal Clean Water Act for the State of Idaho. The MOU is available at [www.deq.idaho.gov/media/1118043/mou-implementing-nonpoint-source-wq-program-appendices.pdf](http://www.deq.idaho.gov/media/1118043/mou-implementing-nonpoint-source-wq-program-appendices.pdf).

While the MOUs listed above are specific to DEQ and partner agencies, other MOUs among the various agencies, independent of DEQ’s involvement, should also be noted, particularly the “Memorandum of Understanding between the Idaho Department of Water Resources and the USDA, Forest Service Intermountain and Northern Regions” (Appendix B). The purpose of the MOU is to document cooperation between the parties to implement the Idaho Stream Channel Protection Act within Idaho on lands administered by the USFS.

### 4.4.2 Coordination with Federal Partners

With the vast holding of federal and tribal lands in Idaho, coordinating monitoring and remediation activities for NPS pollution control can be a formidable task. Through the Beneficial Use Reconnaissance Program (BURP), use of the water body assessment protocol, and by operating under Idaho’s watershed approach to managing its resources, the state can ensure that federal and tribal land use and water quality issues will be taken into account under existing BAG and WAG processes. This practice provides the state the opportunity to review federal land management actions and identify those lands not being managed in a manner consistent with state programs.

Federal agencies are expected to notify DEQ regional offices of planned actions and provide environmental assessments, management plans, and environmental impact statements to solicit state input on a wide range of environmental effects, including water quality. Once a nonpoint source of pollution is identified, the appropriate state agencies will work with the corresponding federal agency to develop and implement a plan to mitigate the problem in a manner that will protect or restore beneficial uses.

#### **4.4.3 EPA Liaison**

To ensure consistency in practices, the state may request EPA assistance to conduct educational and liaison activities and to provide technical assistance for itself and other partners. If requested, EPA may also serve to facilitate state–federal negotiations, and assist with mediation and conflict resolution. EPA and DEQ may partner to support pollution abatement and environmental protection efforts and to ensure all federal efforts are compatible with the state’s water quality standards and NPS water quality program goals.

### **4.5 Funding Implementation Activities**

By funding projects that will implement BMPs or support BMP implementation on impaired waters and by continuing to evaluate all project proposals based on their ability to produce measureable improvements in water quality, the NPS Management Program seeks to achieve and document water quality improvement. As TMDLs are developed and implemented, on-the-ground water quality implementation plans need to be developed with the support of local WAGs and BAGs (see section 5.8).

Funding for implementing BMPs is somewhat dependent on landownership. Projects implemented on federal lands are often funded by the agency having jurisdiction for managing those lands. Projects planned for private or state lands may be funded through other sources. Programs that are currently unfunded are listed in Appendix C. Table 6 lists possible NPS project funding sources.

### **4.6 Protocol for Funding Nonpoint Source Projects with the State Revolving Fund**

This protocol is aimed at §319 grant applicants that may not score high enough on the §319 grant ratings to have their projects funded with §319 grant monies. For those entities, there is an alternative source of funding for the lower rated §319 grant applicants: they can work in partnership with a local (i.e. same watershed, 4th level hydrologic unit code (HUC)) wastewater facility that is seeking a loan through the State Revolving Fund program (SRF).

When the SRF loan recipients take out a loan they are generally charged an interest rate, but that interest rate may be lowered to allow for the funding of a nonpoint source project. When the SRF interest rate is lowered, the funds for the nonpoint source project can then be made available through the SRF loan, without the wastewater facility customers paying a higher user rate (i.e. the reduction in the interest rate allows the SRF loan recipient to repay a higher debt, while not impacting monthly user rates for wastewater facility customers).

While this effort is primarily aimed at lower scoring §319 grant applicants, there is no reason that high scoring §319 grant applicants should not proactively opt for SRF funding assistance by

entering into a sponsorship arrangement; in this way, the maximum amount of NPS projects could get funded.

As an example, Table 4 illustrates how this protocol might be applied.

**Table 4. Example of Funding Using the State Revolving Fund.**

	Total Cost	Interest Rate and Term of Loan	Interest Cost on SRF Loan	Wastewater Facility Monthly User Rates (100 Billing Connections)
SRF project alone	\$1,000,000	2.4% for 20 Years	\$265,002	\$52.71
SRF project and NPS project	\$1,250,000 (in this example the NPS project is assumed to cost \$250,000)	0.1% for 20 Years	\$ 12,854	\$52.62
<i>Interest savings remaining to pay for NPS project</i>			\$252,148	<i>Users see no noticeable impact to their monthly billings</i>

**4.6.1 Nonpoint Source (NPS) Project Sponsors**

Each April, the SRF loan program issues an Intended Use Plan (IUP) in which it lays out its funding plan for the upcoming state fiscal year (which begins on July 1<sup>st</sup> and ends on June 30<sup>th</sup>). Each IUP remains in effect for a single state fiscal year.

For a NPS project to receive SRF funding, the NPS project must be included in the IUP. Input for each year’s IUP is accepted by the Department of Environmental Quality’s SRF staff through March 7<sup>th</sup> of each year.

An NPS project to be considered for SRF funding must share the same watershed with the point source (generally a wastewater facility) and do the following,

- Submit a technically complete grant application to the DEQ §319 grant program. To be judged as technically complete, the application must be submitted in a timely manner, in accordance with DEQ’s §319 grant application requirements.
- Independently establish contact with a potential SRF point source loan recipient, or be connected with a potential SRF point source loan recipient by DEQ:
  - To independently establish contact, the §319 grant applicant can call the DEQ Regional Office in their area and ask to speak to the SRF engineer, to see what potential point source projects are taking place in the HUC. The SRF loan recipient must express willingness to sponsor the NPS project. If the SRF loan recipient will not be paying any interest on their loan, than there is no excess capacity to amend loan terms to finance the §319 project.

- Alternatively, DEQ solicits interest by potential SRF point source loan recipients in November and December. If DEQ gets a positive response from the potential SRF point source loan recipients, it may be able to present the interested NPS entities with Sponsorship partners (saving the NPS entities from having to search for a Sponsor).
- Agree to comply with established §319 grant project administrative procedures (e.g. same staff contacts, same oversight responsibilities). The main differences are that SRF funded projects require more comprehensive documentation for reimbursements (e.g. copies of supplier invoices, payroll support for personnel charges), and Sponsored projects must agree to be completed within 2 years.

Nonpoint source funding applicants are encouraged to explore funding coordination opportunities with neighboring communities at an early stage in their 319 grant funding process. Table 5 illustrates the time frames available for such exploration.

**Table 5. When Should a §319 Funding Applicant Pursue SRF Sponsorship?**

TIMEFRAME	DEQ PROCESS	§319/SRF APPLICANT ACTION ITEM
Mid-December	The SRF staff begin to receive letters from potential SRF point source loan recipients that are interested in becoming Sponsors and begin to match up volunteer Sponsors to lower ranked §319 applicants.	SRF applicants submit their Letters of Interest for loans and indicate on the Letters of Interest if they are willing to become Sponsors. Early volunteer Sponsors will receive additional points in the competitive funding priority process.
Mid-December	Basin Area Group (BAG) Chairmen submit their recommendations to DEQ of the §319 projects for the upcoming year’s funding.	Check with the DEQ §319 Program to get an early indication of whether or not your project will be funded in the upcoming year.
Early-January	The SRF Letters of Interest for the upcoming year’s funding are due (see attached Letter of Interest form). From early-January to early February the SRF regional and state office staff will be rating and ranking the various projects. The NPS projects seeking SRF funding assistance must be included in the DEQ annual funding plan,	If in mid-December your §319 project’s funding through the 319 grant program is questionable, check with the DEQ State Office (Dave Pisarski at 373-0464 or Tim Wendland at 373-0439) to discuss funding through the State Revolving Fund.  Also, contact the DEQ Regional Office in your

	which must be completed by early-March. If the NPS project is not included in the annual funding plan, the project would face a 14 month delay until it could be funded in the next SRF cycle.	area and speak to the Regional Office SRF Engineer to see if there are any municipal sewer projects that will be seeking SRF funding.
First Week of March	Final stages of preparing the annual SRF Intended Use Plan	Contact the SRF Loan Manager (Tim Wendland at (208) 373-0439) with your sponsorship proposal.

#### 4.6.2 Point Source SRF Project Sponsors

The point source loan recipient must have the following:

- Debt capacity: either obtained via a revenue bond or judicial confirmation to absorb the NPS project cost, or the debt capacity may be obtained via cost savings for the point source SRF project.
- Scope capacity: (obtained via a revenue bond or judicial confirmation) to absorb the NPS project's aims into the point source loan project (i.e. the entity's debt authority must be written broadly enough to encompass not only the work on the wastewater facility but also the work on the NPS project).
- Their legal staff review and approve the addition of the NPS project onto the core wastewater facility effort. The point source loan recipient should talk to the SRF Loan Manager (208-373-0439) to clarify any questions relating to timeliness of these efforts.

Point source loan recipients should also consider incorporating a nonpoint source project into their sewer project when they submit their loan Letter of Interest (between mid-November and early-January). This would allow for a higher score. A higher score on the SRF Priority List would help to ensure advantageous SRF funding terms.

#### 4.6.3 DEQ Staff Coordination Once the NPS Project Has Been Funded

Generally, DEQ will manage these SRF funded NPS projects in the same manner as if they were §319 grant projects, with the exception of the differences noted below:

- State Office: Invoices which have been reviewed by 319 staff and approved for payment shall be routed to the SRF Loan Coordinator rather than to the Fiscal Office. The SRF Loan Coordinator shall TRIM the invoice and any relevant documents and provide the Fiscal Office with approval to make the payment. Reimbursement requests funded through the SRF have a more rigorous audit process and will therefore require more substantive documentation (as noted earlier in the protocol).
- The NPS aspect of the joint project shall be completed within 2 years of project start-up.
- Regional Offices: Project oversight (for the NPS aspect of these SRF funded projects) will be conducted by staff that normally work with §319 grant projects.

- The costs for the DEQ staff assistance will be attributed to the SRF program. The §319 program will include these efforts in its annual report but will clearly indicate the funding source.
- Staff time spent working on the SRF funded NPS projects will be coded to the SRF program cost codes normally used by the individual offices.
- Loan closure will occur in two stages if the wastewater facility loan portion is completed before the NPS project:
  - The Bond Counsel will be informed that the legal closure will need to await the completion of the NPS effort. The repayment period would start after the legal closure (with the Bond Counsel) as normal.
  - Interest accrual will be stopped when the wastewater facility portion is completed (i.e. when the final inspection is done, the rate ordinance is passed and the O&M manual is completed).

**Table 6. Possible nonpoint source project funding sources.**

<b>Entity</b>	<b>Programs</b>
Idaho Department of Lands	<ul style="list-style-type: none"> <li>• Abandoned Mine Lands Program</li> </ul>
National Fish and Wildlife Foundation (NFWF)	<ul style="list-style-type: none"> <li>• Bring Back the Natives Grant Program</li> <li>• Environmental Solutions for Communities (Wells Fargo and the NFWF)</li> </ul>
US Army Corps of Engineers	<ul style="list-style-type: none"> <li>• Project Modification for Improvement of the Environment (Continuing Authority Program [CAP] Section 1135)</li> <li>• Beneficial Uses of Dredged Material (CAP Section 204)</li> <li>• Aquatic Ecosystem Restoration (CAP Section 206)</li> </ul>
US Department of Agriculture	<ul style="list-style-type: none"> <li>• Agricultural Conservation Easement Program (NRCS)</li> <li>• Conservation Reserve Program (NRCS–Farm Service Agency)</li> <li>• Agricultural Management Assistance (NRCS–Risk Management Agency)</li> <li>• Conservation Stewardship Program (NRCS)</li> <li>• Healthy Forest Reserve Program (NRCS)</li> <li>• Sustainable Agriculture Research and Education (National Institute of Food and Agriculture)</li> <li>• Watershed Rehabilitation Program (Resource Conservation and Development Program)</li> <li>• Forest Legacy Roads Program (USFS)</li> <li>• National Urban and Community Forestry Challenge Cost-Share Program (administered through IDL)</li> <li>• Environmental Quality Incentives Program (NRCS)</li> </ul>
US Department of Interior (DOI)	<ul style="list-style-type: none"> <li>• Not-for-Profit Acid Mine Drainage Reclamation (DOI–Reclamation Program)</li> <li>• Water Resources on Indian Lands (Bureau of Indian Affairs)</li> <li>• Partners for Fish and Wildlife Program (USFWS)</li> <li>• State Wildlife Grant Program (nontribal and noncompetitive, USFWS)</li> <li>• Cooperative Endangered Species Conservation Fund (USFWS)</li> <li>• North American Wetlands Conservation Act Grants Program (USFWS)</li> </ul>
US Environmental Protection Agency	<ul style="list-style-type: none"> <li>• Clean Water State Revolving Fund CWSRF, (administered through DEQ)</li> <li>• Wetlands Program Development Grants</li> <li>• Nonpoint Source Implementation Grants (administered through DEQ)</li> <li>• Source Water Protection Grants (administered through DEQ)</li> <li>• Urban Waters Small Grant</li> <li>• Preliminary Assessment Program (for private and state lands only, administered through DEQ)</li> </ul>
US Geological Survey	<ul style="list-style-type: none"> <li>• Water Resources Research National Competitive Grant Program</li> </ul>
US Department of Energy	<ul style="list-style-type: none"> <li>• Bonneville Power Administration</li> </ul>
Private Funding Entities	<ul style="list-style-type: none"> <li>• Ducks Unlimited</li> <li>• Rocky Mountain Elk Foundation</li> <li>• Trout Unlimited</li> </ul>

---

## 5 Nonpoint Source Pollution Framework at DEQ

DEQ's Water Quality Division is responsible for assuring that the state's ground water, source water, surface water, and drinking water resources meet state water quality standards through actions such as the following:

- Adopting water quality standards to protect public health and welfare, enhance the quality of water, and meet the requirements of the federal Clean Water Act.
- Certifying that projects that require federal permits or licenses, such as a license to operate a hydroelectric dam, will not cause a violation of state water quality standards.
- Monitoring and assessing the levels of pollutants in surface waters, such as rivers and streams and report on surface water quality.
- Working with communities, industry, and citizen groups to develop and implement water quality improvement plans when water quality fails to meet state water quality standards and provide grants to support a variety of water quality improvement activities.
- Working with public health districts to protect the quality of public drinking water by assisting public drinking water systems to comply with state requirements, conducting sampling surveys and on-site visits, reviewing water system plans and specifications, and providing training and outreach to water systems. DEQ also assesses potential contaminant threats to Idaho's drinking water sources.
- Protecting ground water from pollution, clean up degraded ground water to support beneficial uses where feasible, and monitor and assess ground water quality.
- Providing guidance for managing stormwater discharges generated by runoff.
- Establishing standards for treating and disposing of wastewater managed by on-site wastewater systems (septic systems) that are not served by public sewer systems.
- Issuing wastewater reuse permits to protect surface and ground water by establishing limits on the amount of wastewater that facilities and industries may use for irrigation or other purposes, provide technical assistance, conduct inspections, enforce permits when necessary.

All water quality management issues are tied together by DEQ's continuing planning process, which involves all DEQ water programs, the public, and laws and rules.

### 5.1 Prioritization of Watershed Protection Actions

Priorities for watershed protection in Idaho are initially defined through the work of the various Water Quality Division programs:

- Ground water quality is assessed to ensure that ground water continues to be drinkable. Because 95% of Idaho obtain drinking water from ground water, the Ground Water Program monitors ground water for the primary NPS contaminant, nitrate. The result of this monitoring effort, which is more fully described in section 5.2, is the delineation of Nitrate Priority Areas (NPAs) across the state.
- Source waters are assessed through routine source water assessments, as described in section 5.3.

- Surface water quality is assessed through biennial assessment of water bodies to determine protection of beneficial uses. As described more fully in section 5.4, the result of this assessment is an Integrated Report in which Idaho waters are ranked into five categories.
- Drinking water quality is continually assessed through a process of engineering reviews of drinking water system design and routine monitoring of drinking water systems, as described in section 5.5.
- Currently, discharges from point sources into Idaho water bodies is regulated by EPA under the NPDES program, but the Idaho Legislature has directed DEQ to seek EPA authorization for a state-operated pollutant discharge elimination system permitting program, as described in section 5.6.
- Idaho works closely with the Corps of Engineers, as described in section 5.7, to ensure that discharges of dredged or fill material do not violate Idaho water quality standards.
- Final priorities are established by the actions of advisory groups, as described in section 5.8, ensuring public participation in watershed protection.
- To ensure the continued viability of the water quality protection process, it is continually assessed, as described in section 5.9.

Idaho does not prioritize protection of high-quality waters. Such waters are typically wilderness waters, and it is not the best use of DEQ's limited resources to survey such waters at this time. Instead, priority is assigned to address those waters whose beneficial uses are threatened.

In addition, Idaho does not currently have a policy on climate change that informs nonpoint source pollution protection. However, the state is aware that potential impacts of climate change—such as increased stream temperatures and increased potential for larger wildfires (Gillis et al. , 2010)—are may produce additional challenges for the NPS Program that will need to be addressed in future years.

## **5.2 Ground Water Program**

DEQ is responsible for protecting the quality of ground water in Idaho and relies on a combination of programs to protect ground water from pollution, clean up degraded ground water, and monitor and assess ground water quality. DEQ's ground water policy is to maintain and protect the existing high quality of Idaho's ground water and restore degraded ground water where feasible to support ground water beneficial uses. DEQ partners with the ISDA, IDWR, and many other state, local, and private agencies, organizations, businesses, and individuals to achieve this goal.

### **5.2.1 Beneficial Uses**

Idaho Code §§39-120 through 127 designates DEQ as the primary state agency to coordinate and administer ground water quality protection programs. Rules have been promulgated under this statute to ensure DEQ maintains and protects the existing high quality of the state's ground water and the existing and projected future beneficial uses of ground water and interconnected surface water. Within Idaho, all ground water is protected for meeting drinking water beneficial uses. Ground water provides drinking water to 95% of Idahoans.

### **5.2.2 Ground Water Protection Process**

Protecting Idaho's ground water resource is a continual process. Nitrate is the primary NPS contaminant addressed by DEQ's Ground Water Program. The NPA process was developed in conjunction with the Idaho Ground Water Monitoring Technical Committee in 1999 and formalized in DEQ Policy Memorandum PM00-04 (DEQ 2000). The policy directs DEQ to delineate, prioritize, and develop improvement strategies with local input; evaluate effectiveness of the strategies; pursue aquifer re-categorization if necessary; and remove degraded areas from the priority list, if appropriate. The policy was developed to be applicable to a variety of contaminants. However, it has not been implemented for any constituent beyond nitrate.

Since the policy was developed, DEQ has worked with the Ground Water Monitoring Technical Committee to define the criteria for delineating and prioritizing degraded areas. The criterion for an NPA is 25% of the sites sampled are equal to or greater than one-half of the Idaho ground water quality standard. Thus, in an NPA, 25% of the sampled sites have nitrate concentrations greater than or equal to 5 milligrams per liter (mg/L), which is one-half the standard of 10 mg/L. NPAs were delineated in 2002, 2008, and 2014.

#### ***Collect and Compile Data (Step 1)***

Every 5 years, ground water quality data collected by DEQ, USGS, IDWR, ISDA, and public water systems are compiled by DEQ. The compiled data are then combined with monitoring results dating back to 1990. The data are located spatially. If a site has been sampled multiple times, the most recent result is used in delineating the NPA.

#### ***Assess Data (Step 2)***

Once each sample site is spatially located and the most recent nitrate value is assigned, the NPAs are delineated using a combination of factors including land use, geology, aquifer boundaries, political boundaries, and professional judgment. The 2002 NPAs were delineated based on geology, aquifer boundaries, land use, and professional judgment. For the 2008 ranking, to decrease the reliance on the potential subjectivity of professional judgment, two geostatistical methods—indicator kriging and ordinary kriging—were incorporated in the process.

Geostatistical software packages for indicator kriging and ordinary kriging, available for ESRI ArcMap, were applied to the data for both 2008 and 2014.

Indicator and ordinary kriging are applied to the data to determine the probability of exceeding a specific concentration and interpolate values between locations. The result is then analyzed with professional judgment and local knowledge to define and delineate the NPAs. The 2014 NPAs are shown in Figure 1 (DEQ 2014a).

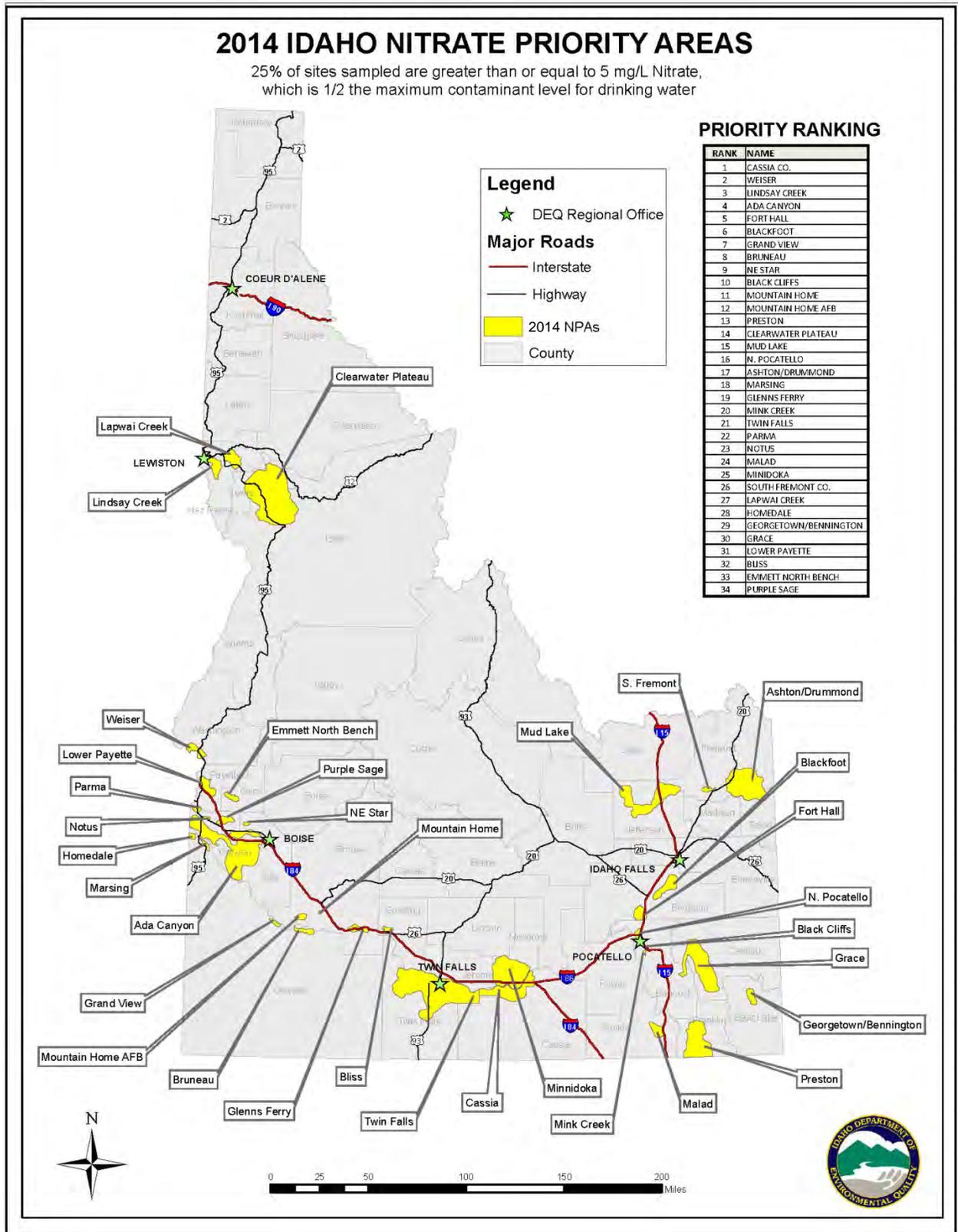


Figure 1. 2014 Idaho nitrate priority areas.

Following delineation, the areas are then prioritized or ranked in order of nitrate contamination severity. The ranking process considers three weighted principal criteria: population, existing water quality, and water quality trends. A secondary criterion, impacts to beneficial uses other than potable water supply, is considered to a lesser extent. The nitrate ground water quality trends were analyzed by the USGS in 2002 and the IDWR in 2008 and 2014. Reports documenting the trend analysis methods were created by each agency and are accessible via the DEQ Ground Water nitrate webpage (<http://www.deq.idaho.gov/water-quality/ground-water/nitrate.aspx>).

### **Write and Submit Required Reports (Step 3)**

A report summarizing the NPA delineations and ranking is created for each update. Changes in NPA rankings have been observed and can be attributed to several different factors. In some areas, median nitrate values have increased, resulting in an increasing trend and a higher ranking. Conversely, the median nitrate concentration has decreased in other NPAs, resulting in a lower ranking. Through time, the number of NPAs with increasing trends has been reduced, while the number of NPAs with decreasing trends has risen (Table 7). Ideally, this represents an improvement in ground water quality.

**Table 7. Nitrate priority area (NPA) trends.**

<b>Year</b>	<b>NPAs with Increasing Trend</b>	<b>NPAs with Decreasing Trend</b>
2002	9	1
2008	4	1
2014	3	4

However, some of the changes in trend may be attributable to changes in the size of the NPA due to changes in water quality in parts of the NPA. Originally, some DEQ regions felt that large areas with similar hydrogeology were appropriate for county-wide planning. The kriging process together with additional monitoring has improved defining areas where degradation is more severe, which has reduced the size of some NPAs. The reduction in size may have removed a dilution factor that mixed areas with low nitrate concentrations. For example, in 2008 the Cassia County NPA was 302 square miles, but it was reduced to 154 square miles in 2014. The average nitrate concentration was 6.34 mg/L in 2008 and 7.16 mg/L in 2014. The area was calculated with no trend in 2008, yet had an increasing trend in 2014. As illustrated in Table 8, in comparison with trends in 2008, three NPAs had increasing trends, and four had decreasing trends. The ranking has also changed significantly in some areas, which could be reflected by change in NPA size and/or changes in ground water quality.

**Table 8. 2002–2014 nitrate priority area trends.**

Year	Nitrate Priority Area	Square Miles	Total Sites	Avg. NO <sub>3</sub>	No. ≥ 10.00 mg/L	Trend	Rank
2002	Burley/Marsh Creek	265	234	6.36	40	Increase	3
2008	Cassia	302	384	6.34	65	No trend	9
2014	Cassia	154	402	7.16	91	Increase	1
2002	Lindsay Creek	N/A	N/A	N/A	N/A	N/A	N/A
2008	Lindsay Creek	44	45	4.74	9	No trend	22
2014	Lindsay Creek	44	67	5.64	17	Increase	3
2002	Blackfoot	N/A	N/A	N/A	N/A	N/A	N/A
2008	Blackfoot	24	15	6.98	3	No trend	20
2014	Blackfoot	65	30	4.68	2	Increase	6
2002	Rupert	182	236	5.60	18	No trend	9
2008	Minidoka	230	319	5.35	27	No trend	12
2014	Minidoka	230	337	5.45	30	Decrease	25
2002	Payette	48	74	6.50	15	No trend	10
2008	Lower Payette	42	119	6.05	22	No trend	11
2014	Lower Payette	45	246	5.91	38	Decrease	31
2002	Purple Sage	N/A	N/A	N/A	N/A	N/A	N/A
2008	Purple Sage	22	87	5.26	9	No trend	20
2014	Purple Sage	26	120	5.28	11	Decrease	34
2002	Twin Falls	382	303	5.30	17	Increase	2
2008	Twin Falls	593	605	5.20	34	Increase	1
2014	Twin Falls	561	618	5.18	35	Decrease	21

Notes: Nitrate (NO<sub>3</sub>), milligrams per liter (mg/L). "N/A" means the area was not an NPA during that period.

#### ***Develop an Implementation Plan (Step 4)***

DEQ has worked with local stakeholders in a number of NPAs to develop and implement ground water quality improvement plans. The plans are developed by local voluntary citizen advisory committees with DEQ assistance. Because the plans are voluntary, implementation depends on the cooperation of local organizations.

#### ***Continue to Monitor and Analyze Ground Water (Step 5)***

Typically, no formal monitoring is conducted to monitor effectiveness of site-specific ground water quality improvement plan implementation activities. However, state agencies such as DEQ, IDWR, and ISDA continue to conduct ground water sampling in NPAs for future trend analysis studies to evaluate BMP effectiveness on a large scale.

### **5.3 Source Water Assessment and Protection Program**

The Source Water Assessment and Protection Program is two-fold in that all recognized public water sources in Idaho are required to develop a source water assessment. The second

component to the program is a voluntary effort whereby communities can implement a source water protection plan to help prevent contamination of the source water that supplies its public water system.

For fiscal year 2015, the Idaho DEQ Strategic Plan (Appendix E) outlines the following specific objectives for source water protection:

- Increasing the percentage of the population using source water protection strategies
- Conducting regional training workshops on source water protection
- Updating 64 existing source water assessments and completing 47 new source water assessments
- Continue developing web-based source water protection tools

## 5.4 Surface Water Program

The Surface Water Program is responsible for ensuring Idaho's streams, rivers, lakes, reservoirs, and wetlands meet Idaho water quality standards and support their beneficial uses.

Water quality standards are the benchmarks DEQ uses to gauge protection of Idaho's surface waters. The Idaho Water Quality Standards Program is a joint effort between DEQ and EPA. DEQ is responsible for developing and enforcing water quality standards that protect beneficial uses such as drinking water, cold water aquatic life, industrial water supply, recreation, and agricultural water supply. EPA develops regulations, policies, and guidance to help Idaho implement the program and to ensure that Idaho's adopted standards are consistent with the requirements of the Clean Water Act and relevant regulations. EPA has the authority to review and approve or disapprove state water quality standards and, where necessary, to promulgate federal water quality rules.

The federal Clean Water Act establishes a process for states in developing information on the quality of their surface waters. Section 305(b) of the statute requires biennial (every 2 years) reporting on the state's water quality. To fulfill this requirement, DEQ conducted the Idaho Wadeable Stream Survey from 2005 to 2010. This survey was probability based and designed to provide statistically valid estimates of the condition of all wadeable, sampleable streams in Idaho and did not apply to larger flowing water bodies defined by DEQ as rivers. This survey was conducted in conjunction with the development of the Integrated Report (see step 3 below). The results of this probability based survey can be found in *Idaho's 2012 Integrated Report* (DEQ 2014b).

### 5.4.1 Beneficial Uses

A water quality standard defines the water quality goals for a water body or portion thereof, in part by designating the use or uses to be made of the water. Both narrative and numeric standards can be established to protect beneficial uses.

The beneficial use of a water body must consider its actual use, the ability of the water to support in the future a use that is not currently supported, and the basic goal of the Clean Water Act that all waters support aquatic life and recreation where attainable. Idaho must designate its uses accordingly.

A *designated use* is a beneficial use assigned to a specific water body in Idaho water quality rules. The Clean Water Act requires Idaho to recognize *existing uses*, which are uses that are (or were) actually attained in a water body on or after November 28, 1975, whether or not they are designated. Idaho presumes most undesignated waters will support cold water aquatic life and either primary or secondary contact recreation. These are termed *presumed uses*. Designated, existing, and presumed uses must all be protected.

In designating uses, Idaho considers the use and value of the water body for public water supply; protection of fish, shellfish, and wildlife; and recreational, agricultural, industrial, and navigational purposes. While competing beneficial uses may exist in a river or stream, federal law requires DEQ to protect the most sensitive of the beneficial uses.

Idaho evaluates the suitability of a water body for the uses based on the following:

- Physical, chemical, and biological characteristics
- Geographical setting and scenic qualities
- Economic and public values

Idaho's water quality standards describe several beneficial uses for which a given water body may be designated (IDAPA 58.01.02.100). Some are compatible (e.g., a water body can support both cold water aquatic life and salmonid spawning). Others are mutually exclusive (e.g., either cold water or warm water aquatic life). In general, most water bodies will support multiple uses (e.g., a recreational use and an aquatic life use). When designated in the water quality standards (IDAPA 58.01.02.110–160), these are statements of the uses a water body is expected to support.

**Aquatic Life**—The standards associated with this use are designed to protect animal and plant species that live in the water. Some pollutants or conditions that affect aquatic life are water temperature, dissolved oxygen levels, and concentrations of toxic substances such as ammonia, metals, and pesticides. Therefore, Idaho's water quality standards set criteria for these pollutants or conditions to protect against adverse effects due to human activities.

**Recreation**—Recreational uses are divided into primary contact and secondary contact recreation. Both of these classifications have the same bacteria criterion (IDAPA 58.01.02.251), which protects people from gastrointestinal illness due to incidental ingestion of the water they are recreating in (primary contact) or on (secondary contact). Different monitoring thresholds associated with the two subcategories of contact recreation trigger more involved monitoring; however, the actual criterion is the same. The monitoring thresholds are different due to the different likelihood of unintentionally ingesting water.

**Water Supply**—Standards associated with this use indicate whether water from a lake or river is suitable for use as a source for a water supply system. Public drinking water is treated before it is delivered to the tap; a separate set of standards governs treated drinking water. Indicators used to measure the safety or usability of surface water bodies as sources for drinking water include turbidity, which may interfere with treatment, and the presence or absence of toxic substances such as metals or pesticides.

**Wildlife Habitats**—The standards associated with this use are designed to protect water quality appropriate for wildlife habitat. This use applies to all surface waters of the state.

**Aesthetics**—This use applies to all surface waters of the state.

---

### 5.4.2 Surface Water Protection Process

Protecting Idaho's surface waters is a continual process. This process involves monitoring or assessing water quality and using the results to report on the status of Idaho's waters and to assist with writing implementation plans for impaired waters. Success under those plans will eventually be determined by conducting further monitoring and assessment. The primary steps in this process are described below.

#### **Collect Data (Step 1)**

The *Surface Water Ambient Monitoring Plan* (DEQ 2012) outlines DEQ's approach to collecting and integrating ambient water quality monitoring data from a variety of monitoring programs, including BURP, National Aquatic Resource Surveys, Trend Monitoring Network, and special studies.

DEQ's BURP deploys crews into the field to collect water temperature data biological samples (e.g., fish, bacteria); chemical measures (e.g., specific conductivity); and habitat data from selected sites. The data are used to help DEQ determine whether beneficial uses are being supported in Idaho's streams and lakes. DEQ also collects data through the USGS Trend Monitoring Network. This program, operated in cooperation with DEQ, monitors trends in water quality at 56 sites around Idaho.

In addition to its own data collection efforts, DEQ solicits and considers data submitted from other agencies, institutions, commercial interests, interest groups, or individuals during every integrated reporting cycle. These data may relate to the existence, support status, or associated criteria for the beneficial uses in a water body. These external data sources are ranked for quality according to three tiers (Table 9). DEQ pursues several avenues for notifying the public of its intent to seek water quality–related data and information from external partners, including disseminating a news release to media statewide, posting announcements to DEQ's website, and direct mailing notices to interested individuals and organizations such as the USFS, IDFG, and BLM. All data collected and analyzed must be accompanied with a monitoring plan with quality assurance and controls reported.

**Table 9. Data tier comparison.**

Tier	Scientific Rigor	Relevance	Example	How Used
I	<ul style="list-style-type: none"> <li>Quantitative.</li> <li>Parameters measured.</li> <li>Established monitoring plan with QA and defined protocols.</li> <li>&gt;30 hours of supervised training.</li> <li>Samples processed in EPA-certified lab following standard methods or by professional taxonomist.</li> <li>Organisms identified by a professional taxonomist.</li> </ul>	<ul style="list-style-type: none"> <li>Data relates to either water quality standard(s), especially numeric, or a beneficial use.</li> <li>≤5 years old.</li> <li>Data relates to a named water body (GIS, latitude and longitude or map location provided).</li> </ul>	<ul style="list-style-type: none"> <li>Ph.D. or masters thesis.</li> <li>Published or printed studies or reports.</li> <li>Published predictive models.</li> <li>EPA EMAP.</li> <li>BURP data.</li> <li>Use attainability analyses.</li> <li>Rapid Bioassessment Protocols (RBP).</li> </ul>	<ul style="list-style-type: none"> <li>303(d) listing or de-listing.</li> <li>305(b) reports</li> <li>subbasin assessments.</li> <li>TMDLs.</li> <li>Planning for future monitoring.</li> </ul>
II	<ul style="list-style-type: none"> <li>Qualitative or semi-quantitative in nature.</li> <li>May have a monitoring plan.</li> <li>No QA/QC provided for within plan.</li> <li>Protocols may or may not be defined.</li> <li>Parameters rated.</li> <li>Field staff may not be trained: Lab may not be certified.</li> <li>Taxonomist may not be a professional.</li> </ul>	<ul style="list-style-type: none"> <li>Data may relate to a watershed.</li> <li>Not water body specific.</li> <li>Data &gt;5 years old.</li> <li>Data may relate to other agency guidelines or objectives.</li> </ul>	<ul style="list-style-type: none"> <li>Environmental assessments.</li> <li>Proper Functioning Condition.</li> <li>Cumulative Watershed Effects.</li> <li>Most citizen monitoring.</li> <li>Models with documentation.</li> <li>Agency planning documents.</li> </ul>	<ul style="list-style-type: none"> <li>305(b) reports.</li> <li>Subbasin assessments or TMDLs when data adds to overall assessment quality.</li> <li>Planning for future monitoring.</li> </ul>
III	<ul style="list-style-type: none"> <li>May be qualitative in nature.</li> <li>Parameters evaluated.</li> <li>Field staff have little to no training.</li> <li>No documented monitoring plan.</li> <li>No QA/QC.</li> <li>Anecdotal in nature.</li> </ul>	<ul style="list-style-type: none"> <li>Not specific to water quality standards or beneficial uses.</li> <li>Location not specific.</li> <li>Data ≥10 years old.</li> </ul>	<ul style="list-style-type: none"> <li>Non-specific reports or studies.</li> <li>Newspaper articles.</li> <li>Simple models without any documentation.</li> </ul>	<ul style="list-style-type: none"> <li>Planning for future monitoring.</li> <li>Hold for further investigations.</li> </ul>

**Assess Data and Determine Beneficial Use Support (Step 2)**

DEQ relies on several key technical and policy statements in making water quality determinations, and these come together in the *Water Body Assessment Guidance (WBAG)* (Grafe et al. 2002). This document, which focuses on biology as a measure of aquatic life and water quality status, is the foundation of DEQ’s ambient monitoring and assessment program. The WBAG describes the methods used to consistently evaluate data and determine beneficial use support of Idaho waters. The methodology addresses many reporting requirements and state and federal rules, regulations, and polices.

The following technical documents support the WBAG:

- *Idaho River Ecological Assessment Framework* (DEQ 2002a)
- *Idaho Small Stream Ecological Assessment Framework* (DEQ 2002b)

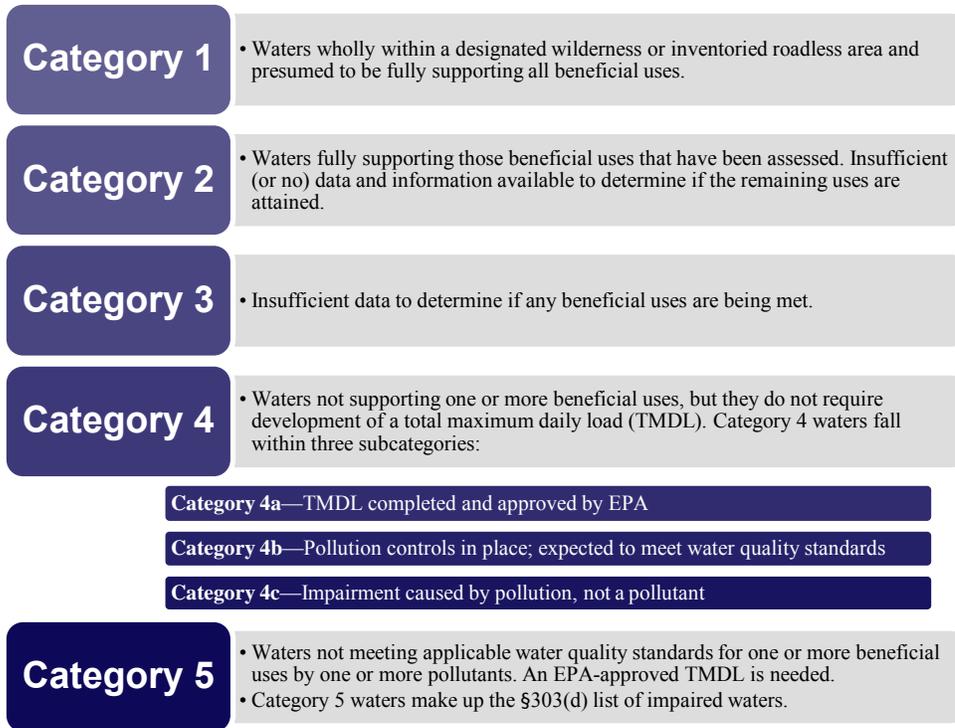
Using these documents, DEQ has a consistent and relevant decision-making process for water-quality assessment.

### ***Submit Integrated Report (Step 3)***

Every 2 years, DEQ is required by the federal Clean Water Act to conduct a comprehensive analysis of Idaho's water bodies to determine whether they meet state water quality standards and support beneficial uses or if additional pollution controls are needed. This analysis is summarized in an Integrated Report that serves several functions:

- It satisfies the reporting requirements of sections 303(d), 305(b), and 314 of the Clean Water Act, including the §305(b) reporting requirement for §106 grant funds.
- It informs the public about the status of state waters, enabling interested parties to comment on the status of all Idaho waters and provide any relevant data.
- It provides a unique opportunity for the public to understand the overall status of Idaho's water quality and gain a better understanding of how DEQ is maintaining, improving, and protecting Idaho's waters.
- It compiles a wealth of data and information from all sections of DEQ's Surface Water Program as well as from other agencies, organizations, and individuals. These data give water quality managers the ability to take a comprehensive look at the relative quality of Idaho's water bodies to help them set priorities and allocate resources accordingly.

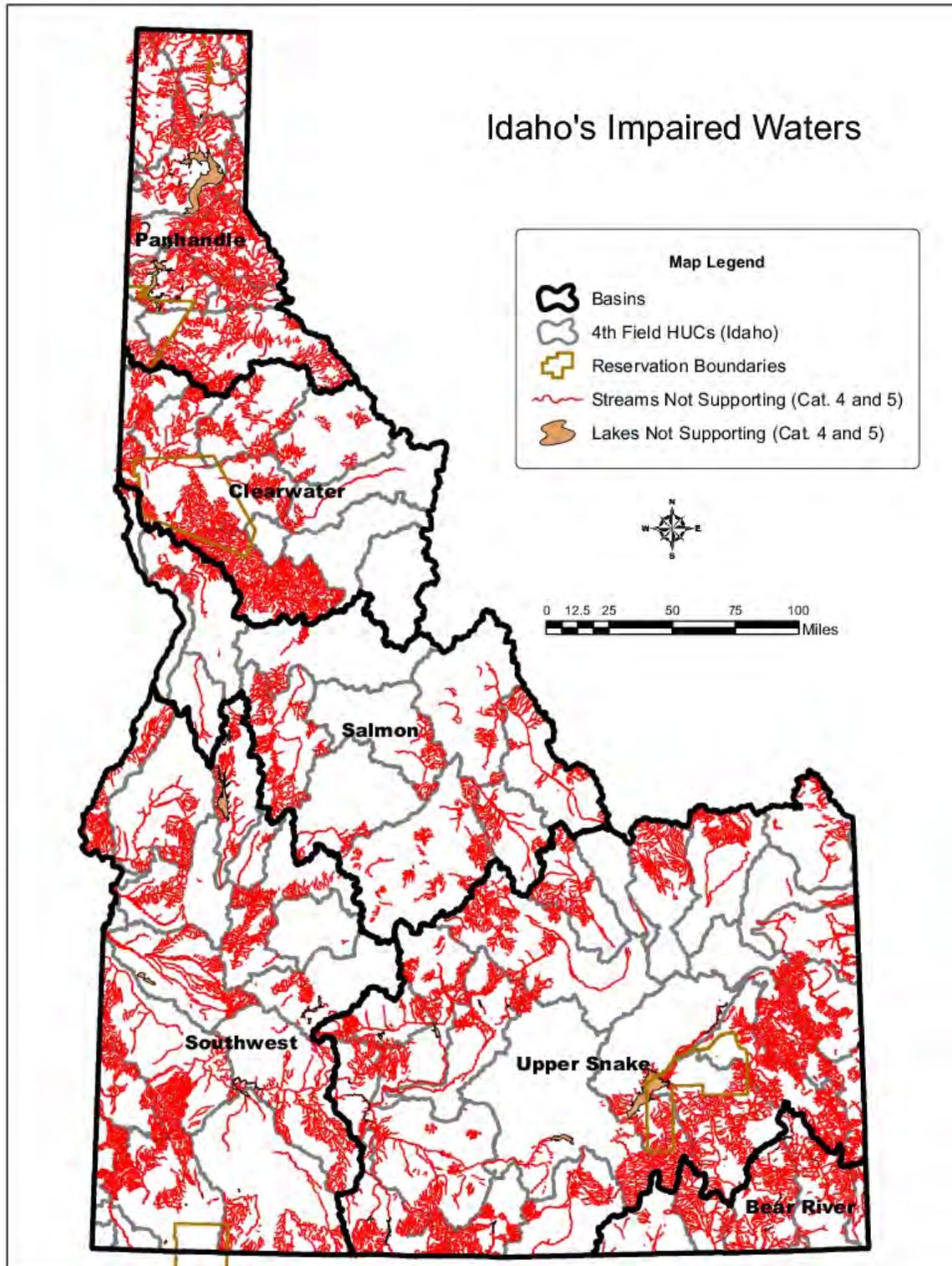
Idaho's most recent approved version is its 2012 Integrated Report (approved by EPA on July 11, 2014). Based on existing and readily available water quality data and information assessed for the 2012 Integrated Report, 30% of streams and 6% of lakes are fully supporting state water quality standards, 36% of streams and 56% of lakes are not fully supporting state water quality standards, and 34% of streams and 38% of lakes have not been assessed (DEQ 2014b). Water bodies are considered to be fully supporting their beneficial uses if they are in Categories 1 or 2. Unassessed water bodies are those in Category 3, and water bodies not supporting their beneficial uses are those in Categories 4 and 5 (Figure 2).



**Figure 2. Five categories of the Integrated Report.**

For the 2012 reporting cycle, Idaho reported a total of 3,953 AU-cause combinations as impaired (Figure 3).<sup>2</sup> This total includes AU-cause combinations captured in either Category 4 or Category 5 or both. The leading causes of impairment in streams are temperature, sediment/siltation, and bacteria (*E. coli* or fecal coliform). The leading causes of impairment in lakes are mercury, nutrients, sediment, and dissolved oxygen.

<sup>2</sup> An AU may be impaired by multiple causes, and in some instances can be listed in multiple categories. As such, category listings are sometimes referred to as AU-cause combinations, rather than simply water bodies, since a particular water body may be divided into multiple AUs impaired by multiple causes.



**Figure 3. Map of 2012 Integrated Report impaired waters.**

Disclaimer: This map only shows a snapshot of the impaired waters from the 2012 Integrated Report. DEQ's actions with respect to the Integrated Report and such waters do not constitute a determination, waiver, admission, or statement on the part of the State of Idaho with respect to jurisdiction over such waters or the boundaries of any tribal reservation.

**Evaluate Impaired Waters to Determine Causes and Source of Pollutants (Step 4)**

Where monitoring results show that water quality fails to meet state water quality standards (as documented in the Integrated Report), DEQ further evaluates the water body to determine the causes and sources of pollutants. In Idaho, this evaluation is typically included in a subbasin assessment that is housed within the TMDL document that develops the loading analysis and pollutant caps. This information also may be found in a TMDL 5-year review when DEQ reviews existing TMDLs (see next step). Five-year reviews also may evaluate currently listed waters in anticipation of scheduling them for TMDLs. If the analysis determines the water is not impaired by the listed pollutant, it may be proposed for delisting in the next reporting cycle. The assessment is the first step in either developing a TMDL or recommending the water body be delisted from the list of impaired waters (Category 4 and/or 5).

**Establish Total Maximum Daily Loads for Water Bodies (Step 5)**

Using information found during the subbasin assessment, DEQ establishes a TMDL for each impaired water body. The TMDL establishes maximum allowable levels for pollutants causing water quality violations. A TMDL is the maximum amount (load) of a water quality parameter that can be carried by surface water on a daily basis without causing an exceedance of water quality standards. If a water body fails to meet expectations for a particular standard, it qualifies as impaired and is identified as such on the state's §303(d) list of impaired waters (Category 5 of the Integrated Report).

TMDLs are assessed on a subbasin level, which means water bodies within a hydrologic subbasin are generally addressed in a single document. A subbasin is a cataloging unit established by the US Geological Survey (USGS). Subbasins are identified by USGS 4th-field hydrologic unit codes, or HUCs (Figure 4). Idaho has 86 HUCs, 2 of which do not contain any waters of the state and thus are not included in Idaho's water quality standards and 4 of which do not require any TMDLs at this time.

DEQ is working under a settlement agreement that established a schedule through 2007 for TMDL development based on HUC, AU, and pollutant. DEQ considered the severity of the pollutant and the uses to be made of such waters when developing and prioritizing the schedule. Although the TMDL settlement schedule was not completed by 2007, DEQ still remains under obligation to develop TMDLs for those waters remaining on the settlement agreement.

Therefore, DEQ has maintained these waters as *high priority*, with one exception:

HUC 17060306. These TMDLs are associated with waters within the Nez Perce Reservation.

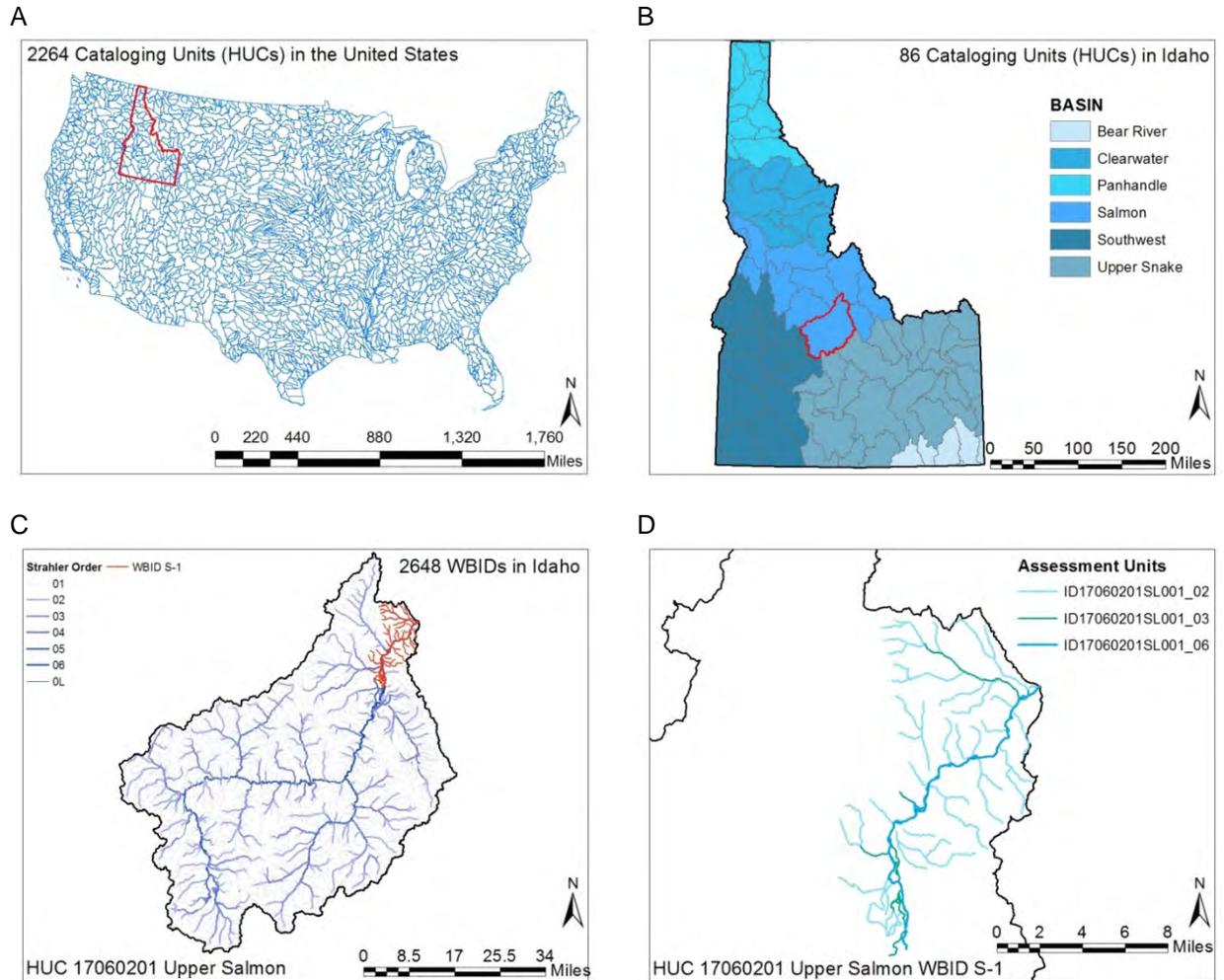
Any TMDLs that are to be developed for waters on the reservations are to be developed by EPA and not DEQ. Therefore, DEQ is assigning a low priority to these remaining TMDLs. DEQ reserves the right to reprioritize individual AUs or HUCs based on severity of pollution, funding, personnel availability, and executive or legislative direction. Schedule modifications are done on a case-by-case basis.

TMDL development supports many aspects of the NPS Management Program. Monitoring to identify source categories can be used to target key remediation projects. The data can also be used to identify critical conditions when exceedances tend to occur. These conditions must be considered when identifying strategies to reduce loading and when performing effectiveness monitoring.

In practical terms, a TMDL is a plan to attain and maintain water quality standards for waters that are not meeting standards. The basic steps of the process include the following:

1. Develop an understanding of the water quality pollutant problem (e.g., sediment, temperature, arsenic).
2. Identify the pollutant sources.
3. Quantify the pollutant loads from each of the sources.
4. Allocate pollutant reductions to the sources.

Idaho Code §39-3611(7) requires a 5-year cyclic review process for Idaho TMDLs. These reports document the review of approved Idaho TMDLs and implementation plans by considering the most current and applicable information in conformance with Idaho Code §39-3607, evaluating the appropriateness of the TMDL to current watershed conditions, evaluating the implementation plan, and consulting with the WAG. These reviews also evaluate AUs listed as impaired in the most recent EPA-approved Integrated Report. HUCs due for a 5-year review are also deemed *high priority*. Those waters that are not subject to the settlement agreement or due for a 5-year review but are due for a TMDL are assigned *medium* or *low priority* based on multiple factors, including when the AU-pollutant was first listed in Category 5, severity of concern, pollutant, complexity of analysis, and availability of resources.



**Figure 4. Relationship between 4th-field hydrologic unit codes (HUCs), water body IDs (WBIDs), and assessment units (AUs). (A) Level 4 cataloging units (HUCs) in the nation. (B) 86 HUCs in Idaho (the highlighted HUC is 17060201 Upper Salmon in central Idaho). (C) HUC 17060201, Upper Salmon River, with WBID S-1 highlighted in red. (D) WBID S-1 subdivided into three different AUs.**

***Develop an Implementation Plan (Step 6)***

Implementation plans are developed by the land use management agencies associated with the particular activity, including ISDA, IDL, ITD, ISWCC, NRCS, BLM, and USFS. An implementation plan is written after a TMDL is developed. The plan provides details and a schedule of the actions needed to achieve specific pollutant load reductions. The plan also identifies the monitoring needed to document the progress toward meeting water quality standards.

A list of all the TMDLs, implementation plans, and 5-year reviews that have been developed is available at <http://www.deq.idaho.gov/water-quality/surface-water/tmdls/table-of-sbas-tmdls.aspx>.

### ***Continue to Monitor and Analyze Water Bodies (Step 7)***

The implementation plan will specify the monitoring methods needed to determine if the recommended changes are improving water quality and if water quality standards are being met. If a water body is found to be meeting water quality standards (i.e., no TMDL or implementation plan was written), it will be monitored again in the future to ensure it continues to meet standards. Funding is not always readily available for continued monitoring and analysis of water bodies.

## **5.5 Drinking Water Program**

DEQ's Drinking Water Program protects public health by ensuring drinking water from public water systems (PWS) in Idaho is safe. DEQ is authorized to administer Idaho's Drinking Water Program through the federal Safe Drinking Water Act and the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08). Approximately 95% of Idahoans rely on ground water for drinking water. Surface water, such as streams, rivers, reservoirs, and springs, supplies the remaining 5%.

In Idaho, some 1,960 public drinking water systems serve Idaho's population. PWSs, which may be publicly or privately owned, serve at least 25 people or 15 service connections for at least 60 days per year. Many other Idaho citizens get their drinking water from private wells. These wells are not regulated under the Safe Drinking Water Act; well owners are responsible for ensuring their water is safe.

In accordance with Title 39, Chapter 1 of Idaho Code, “all plans and specifications for the construction of new sewage systems, sewage treatment plants or systems, other waste treatment or disposal facilities, public water supply systems or public water treatment systems or for material modification or expansion to existing sewage treatment plants or systems, waste treatment or disposal facilities, public water supply systems or public water treatment systems, shall be submitted to and approved by the director before construction may begin, and all construction shall be in substantial compliance therewith.” Drinking water system plans must comply with the requirements of the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08.) Following construction, public drinking water systems must be operated in compliance with the requirements of the same rules; the [Idaho Public Water System Switchboard](#) provides information on system monitoring requirements, source water assessment reports, sample results, and other indicators of drinking water quality.

## **5.6 NPDES**

The NPDES program requires facilities discharging from a point source into waters of the U.S. to obtain discharge permits. (A point source is a conveyance such as a pipe or other point.) An NPDES permit contains limits on what can be discharged and other provisions to ensure that the discharge does not harm water quality or the public's health.

There are two basic types of NPDES permits:

- An individual permit is a permit written specifically for an individual facility.
- A general permit may cover multiple facilities within one industry, such as aquaculture, or may cover multiple facilities from different industries but that have a similar discharge, such

as storm water. General permits are only issued to dischargers within a specific geographical area.

In Idaho, the NPDES program is currently administered by EPA, which means EPA is responsible for issuing and enforcing all NPDES permits in Idaho. The state's role is to certify that NPDES-permitted projects comply with state water quality standards.

However, in 2014, the Idaho Legislature revised Idaho Code to direct DEQ to seek EPA authorization for a state-operated pollutant discharge elimination system permitting program. The state program will be called the Idaho Pollutant Discharge Elimination System (IPDES) program.

## **5.7 404 Permitting**

DEQ's role in the Section 404 permitting process entails issuing §401 certifications that the actions authorized by the permits do not violate Idaho water quality standards. DEQ coordinates closely with the Corps during the certification process of Section 404 permits.

The certification process varies depending on the type of permit the Corps issues for a project. For example, DEQ has already issued a §401 certification for the majority of nationwide permits. When the Corps receives an application for a project that can be authorized by one of these permits, there is no need for additional certification by DEQ. However, the activities covered under these permits must comply with the terms and conditions of the §401 certification. For individual §404 permits and activities covered by NWP 12, 14, 16, or 17, DEQ provides §401 certification on a project-by-project basis.

DEQ has up to one year to provide a 401 certification decision; however, the Corps generally requests DEQ issue a 401 certification decision within 60 days. DEQ will notify the Corps when additional time (not to exceed one year) is necessary to complete the project review and certification process. Within the timeframe, DEQ provides an opportunity for the public to comment on its draft §401 certifications by posting our draft certifications to our website. Public comment periods typically last for 21 days, although DEQ may offer shorter or longer time frames if justified. DEQ also posts its final certification decisions to the web.

## **5.8 Basin Advisory Groups, Watershed Advisory Groups, and Technical Advisory Groups**

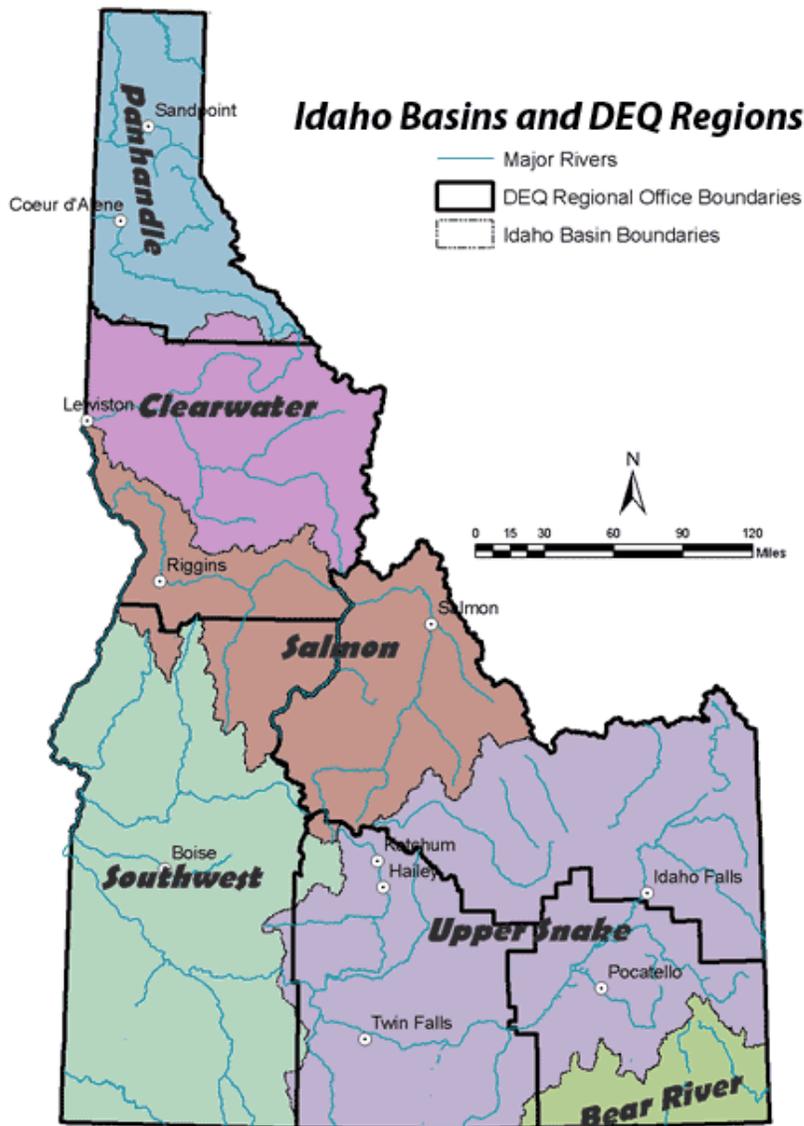
Two advisory groups play a role in the §319 grant award process and state water quality management process in general: BAGs and WAGs. BAGs and WAGs do not evaluate projects that are up and running; they evaluate projects at the application stage, before they start implementing work plans. However, as approved and funded projects are in development, the WAGs and BAGs may request updates from DEQ on the status of projects. Normally, DEQ will provide an update at the next available meeting.

BAGs are groups of citizens that advise DEQ's director on water quality objectives within Idaho's six basins (Figure 5). BAG members are appointed by DEQ's director. By statute (Idaho Code §39-3614), BAG membership must be representative of the industries and interests directly affected by implementing water quality programs within the basin. Among the interests that may be represented on BAGs are agriculture, mining, nonmunicipal point source discharge permittees, forest products, livestock, local government, Indian tribes (for areas within

reservation boundaries), water-based recreation, and other environmental interests. In addition, each BAG must include a person to represent the public at large who may reside outside the basin. With the exception of the public-at-large member, each remaining seat must be filled by members who reside within the basin or who represent persons with a real property interest within the basin.

Idaho has six BAGs representing the six basins: the Southwest, Panhandle, Salmon, Clearwater, Bear River, and Upper Snake. Each BAG is charged with meeting as necessary to conduct business and to provide general coordination of the water quality programs of all public agencies pertinent to each basin. Their duties include, but are not limited to, providing advice to DEQ's director on the following:

- Priorities for monitoring within the basin
- Necessary revisions in the beneficial uses for water bodies within the basins
- Categories to which water bodies in the basin should be assigned
- Processes for developing and implementing TMDLs
- Members to be appointed to WAGs
- Priorities for water quality programs within the basin based on available economic resources



**Figure 5. Idaho basins and DEQ regions.**

Similar to the BAGs, WAGs are made up of DEQ director-appointed local citizens from the agriculture, mining, forest products, livestock, and water-based recreation industries and from point source dischargers, local government, Indian tribes, environmental groups, and affected land management or regulatory agencies. WAGs provide input and guidance on specific watersheds to DEQ for use in developing a TMDL. The WAG provides an opportunity for concerned and involved citizens to participate in the TMDL process from start to finish. WAGs do not typically write the TMDL document but are an integral part of the process. Their input is given great deference in TMDL development and implementation.

Because efforts to reduce pollution often come with some level of economic, social, or cultural impact, it is important that WAG membership reflect the many interests in the watershed and represent a broad cross-section of the community.

The key responsibilities of WAGs include the following:

- Advise DEQ on matters of concern to the community.
- Contribute, with DEQ, to the education of watershed residents on water quality issues.
- Help DEQ identify contributing pollution sources in the watershed.
- Assist DEQ in assigning pollution reduction allocations among contributors.
- Recommend to DEQ the specific actions needed to effectively control sources of pollution.
- Help DEQ develop an implementation plan and set in motion what is needed to meet the water quality targets identified in the TMDL.

Many of the issues involved in developing a TMDL are technical or legal in nature. Technical advisory groups, or TAGs, can assist a WAG in evaluating these issues. TAGs are comprised of knowledgeable citizens and experts from groups like DEQ, IDFG, USDA, USFS, Indian tribes, EPA, and other groups, organizations, or agencies with a vested interest in the issues at hand.

## 5.9 Continuing Planning Process

As the agency tasked with implementing the federal Clean Water Act in Idaho, DEQ is required by §303(c) of the act to develop a continuing planning process (CPP) that describes the ongoing processes and planning requirements of the state's water quality program.

In essence, the CPP is a description of how Idaho manages water quality. As the name "Continuing Planning Process" implies, a CPP is not a static document but an evolving process that grows and changes as circumstances change. DEQ's water quality planning activities comprise a continual loop of the interrelated aspects of laws and rules, water quality programs, water quality monitoring and assessment, implementation of water quality maintenance and restoration projects, and ongoing planning. Inherent in these programs is continual feedback, public involvement, improvement, and change.

Federal regulations require that processes be in place to implement the following:

- Limit effluents discharged to water from point sources such as industrial sites and publically owned treatment works.
- Conduct basin-wide and statewide planning aimed at setting priorities.
- Develop water quality improvement plans for water bodies that do not meet Idaho water quality standards.
- Update and maintain water quality management plans composed of various programs and guidance documents.
- Ensure intergovernmental cooperation in the implementation of the state water quality management program through state laws, regulations, and memoranda of understanding or agreement.
- Establish and ensure implementation of new or revised water quality standards for surface water to protect the public and restore the quality of Idaho's surface waters.
- Develop an inventory and ranking in priority order of needs for construction of waste treatment works.
- Ensure adequate control of residual waste from water treatment processing.
- Determine the priority of permit issuance.

---

## 6 Addressing Waters Impaired by NPS Pollution

Data, derived from decades of studies, drive Idaho's NPS activities and projects. Before NPS activities are implemented, the public plays a key role through involvement in BAGs, WAGs, and TAGs. Various agencies and other stakeholders are involved in project implementation. These projects must be tracked to assess the effectiveness of BMPs and NPS pollution reduction efforts.

### 6.1 Water Quality Reports

The quality of Idaho's water bodies has long been a topic of interest among scientists, as evidenced by hundreds of current and historical reports. These reports are available at <http://www.deq.idaho.gov/water-quality/surface-water/water-quality-studies-and-reports.aspx>.

#### 6.1.1 Water Quality Status Reports

Various government agencies have documented a lengthy history of pollution problems in water bodies in Idaho, dating back to 1952 when a biologist for the US Public Health Service reported on an analysis of bottom fauna in collections from the Clearwater and Snake Rivers. Water quality status reports have been prepared to address pollution problems in such water bodies as Bear Lake, Cascade Reservoir, Dry Creek, Indian Creek, and a number of other creeks, lakes, reservoirs, and rivers across Idaho. These reports offer recommendations on how to improve the water quality in these water bodies.

#### 6.1.2 Water Quality Summary Reports

More than two decades of water quality summary reports (published from 1980–2003) summarize water quality in various creeks and rivers. The reports focus on determining the impacts point and nonpoint pollution sources have on water quality in the water bodies studied. The reports assess and document existing conditions and recommend the types of BMPs to implement to improve water quality to fully support beneficial uses.

#### 6.1.3 Water Body Studies and Plans

More recently, other water body studies and plans include such things as the results of use attainability analyses and case studies on temperature criteria. Water quality reports can be searched by geographic area and are accessible via the DEQ regional office webpages.

## 6.2 Addressing Nonpoint Source Pollutants Through Project Implementation

DEQ develops TMDLs to improve water quality when water bodies are found to not be meeting water quality standards. When a TMDL is completed, the next task is to implement its recommendations and meet its goals. An implementation plan, guided by the approved TMDL, provides details of the actions needed to achieve load reductions and a schedule of those actions. Once the implementation plan has been reviewed and approved, a management agency is called on to implement the actions outlined in the plan.

The DEQ §319 subgrants are critical to Idaho's NPS Management Program because they provide some of the funding necessary to help DEQ achieve its water quality protection realities in watersheds throughout the state. Each year, DEQ regional offices identify priority program and

watershed targets for their respective regions. A successful subgrant recipient will implement a project that focuses on improving the water quality in a lake, stream, river, or aquifer. Funds may be used to address a variety of NPS management and prevention issues that are found in such categories as the following:

- Agriculture
- Urban stormwater runoff
- Transportation
- Silviculture or forestry
- Mining
- Hydrologic and habitat modification and related activities (including wetlands reconstruction)

Most of the 319 funds are passed through to the local level for implementation projects.

### 6.3 Using Funds Efficiently

Idaho predominantly uses its §319 funds for waters that are §303(d) listed or have TMDLs. Waters with TMDLs can be found in most of Idaho's 84 subbasins. Funding needs regularly exceed the available funding. To better leverage limited funds toward strategic implementation efforts to achieve measurable water quality improvements or protection DEQ has developed many partnerships that continue to evolve and flourish. Through these partnerships technical and financial resources have been leveraged on projects to produce successful outcomes. DEQ maintains partnerships and leverages its funding with funds from the following public and private entities to accomplish a large percentage of its 319 workload. Some of its partners include:

- US Department of Agriculture – Natural Resources Conservation Service, including work in conjunction with its Agricultural Conservation Easement Program, Regional Conservation Partnership Program, Environmental Quality Incentive Program, and the National Water Quality Initiative.
- US Department of Commerce – NOAA Fisheries and Idaho's Office of Species Conservation to undertake efforts pertaining to endangered species in the Clearwater and Salmon River watersheds. Many of these efforts are mandated by the Snake River Basin Adjudication (SRBA), and involve the Pacific Coast Salmon Recovery Fund (PCSRF).
- US Department of Defense – Army Corps of Engineers, and the work they provide on 319 projects that fall under their Continuing Authority Program, specifically sections 204,206, and 1135.
- US Department of Interior – Fish and Wildlife Service, through its work on projects that involve waters with Bull Trout present, and lands and watersheds that include Sage Grouse habitat. Funds available through the Landowner Incentive Program and North American Wetlands Conservation grants have been included on several 319 projects, most often as non-qualifying match.
- US Department of Transportation, and the contributions they have made to improve various right-of-ways by implementing BMP's with Federal Highway Fund dollars.
- The Nature Conservancy

- Palouse-Clearwater Environmental Institute
- Wood River Land Trust
- Trout Unlimited
- North American Wild Grouse Association

A comprehensive list of the many partners DEQ has leveraged its 319 funds with to complete a wide variety of nonpoint source-type projects can be compiled by reviewing the DEQ database of funded projects. Interested parties can contact DEQ’s Nonpoint Source Program for further information.

### 6.4 Assessing the Effectiveness of BMPs

A feedback loop approach (Figure 6) is practiced by DEQ as part of the process that calls for the agency to manage NPS pollution mainly by implementing various BMPs. The appropriate BMPs to apply to a given situation are determined after undergoing a thorough planning process. The BMPs are applied by land managers or cooperators based on the site-specific conditions. The effectiveness of the BMPs implemented is assessed through on-site evaluations and by using other ambient monitoring processes. All monitoring data collected are evaluated against the appropriate criteria. Depending on results, BMPs can later be modified or a new approach can be considered for implementation until beneficial uses are restored and maintained.

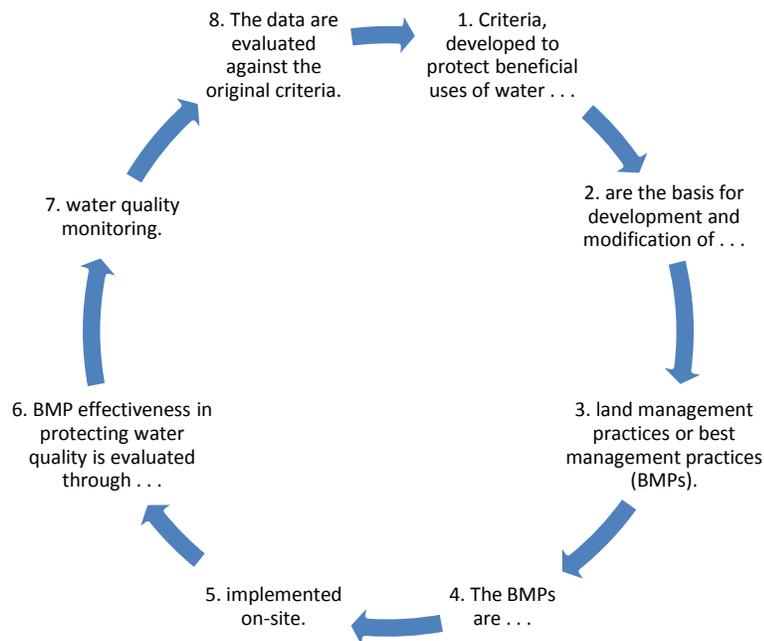


Figure 6. Idaho’s best management practice (BMP) feedback loop.

### 6.5 Assessing Success in Reducing NPS Pollution

The overall achievements of the NPS Management Program are documented in the annual *Nonpoint Source Performance and Progress Report*. On a smaller, more specific scale,

individual accomplishments are recorded in the field evaluation forms that are completed following on-site observations of each project:

- **Performance and Progress Report.** The Clean Water Act §319(h) requires EPA to make an annual determination of the adequacy of each state's progress in meeting its goals within the schedule included in its approved state NPS management plan. This determination must be made prior to EPA awarding any grant funds to the state. The performance and progress report is a detailed account of the accomplishments of the NPS Management Program. Upon reviewing the report, EPA is able to determine whether the state program has made satisfactory progress toward meeting its annual performance partnership agreement milestones, as well as all other conditions of its annual program grant.
- **Field Evaluation Progress Reports.** A majority of DEQ's funding available for implementing NPS projects is passed through to the local level for on-the-ground work on water bodies with an established TMDL. In any given year, DEQ oversees about 50 active projects underway across the state (Appendix D). Field evaluations allow DEQ to evaluate the progress on-site and in real-time. All projects are subject to a field evaluation on a biennial basis.

It is important to evaluate projects after they are completed. Project monitoring is important to determine whether the goals and objectives of each project, and ultimately the program, are being met. Project evaluation helps to answer the critical questions of whether implemented BMPs are functioning as intended, and if so, if water quality standards are being achieved. Besides tracking watershed restoration and demonstrating program accountability, this information helps the program make better management decisions by understanding which BMPs were most effective for the cost, which were not effective, and what situations led to successful restoration.

One way DEQ is measuring success after the implementation of water body plans and restoration projects is through the EPA National Measure WQ-10 (known as the 319 Program Measure). The WQ-10 measure looks at the number of water bodies identified by states (in 1998 or subsequent years) as being primarily NPS-impaired that are partially or fully restored. For a water to be counted as "partially or fully restored," it must be featured on EPA's "Section 319 Nonpoint Source Success Stories" website (<http://water.epa.gov/polwaste/nps/success319/>). By "fully restored," EPA means that all beneficial uses are now being met. By "partially restored," EPA means either of the following two conditions are being met: (1) a water body that has a use that is initially impaired by more than one pollutant, but after restoration efforts meets the water quality criteria for one or more (but not all) of those pollutants or (2) a water body that initially had more than one use that was less than fully supported, but after restoration efforts one or more (but not all) of those uses are now fully supported. The measure is meant to include not only water bodies restored by §319-funded projects, but also *any* primarily NPS-impaired water bodies that a state or tribe fully or partially restores, regardless of funding source.

EPA has recently highlighted success stories from four north Idaho streams and one stream in southern Idaho. Yellowdog Creek, Steamboat Creek, and Tepee Creek (two segments)—all in northern Idaho—have been removed from Category 4a for sediment impairment and reported as NPS program success stories by EPA. Restoration activities have successfully reduced sediment loading and restored the cold water aquatic life beneficial use. The water bodies total nearly 73 miles and are located within the Idaho Panhandle National Forests. These success stories

represent decades of restoration work led by the USFS to reduce NPS pollution and attain sediment TMDL goals. In southern Idaho, the 4th-order segment of Raft River has been removed from Category 4a for bacteria impairment as a result of agricultural and grazing-related BMPs throughout the subbasin. These efforts have successfully reduced bacteria loading and restored the secondary contact recreation beneficial use. The success story reports can be found at <http://water.epa.gov/polwaste/nps/success319/>.

*This page intentionally left blank for correct double-sided printing.*

---

## References

- DEQ (Idaho Division of Environmental Quality). 1999. Idaho Nonpoint Source Management Plan. Boise, ID: DEQ. Available at [http://www.deq.idaho.gov/media/458860-management\\_plan\\_entire.pdf](http://www.deq.idaho.gov/media/458860-management_plan_entire.pdf).
- DEQ (Idaho Department of Environmental Quality). 2000. "Policy for Addressing Degraded Ground Water Quality Areas." Boise, ID: DEQ. DEQ Policy Memorandum PM00-04. Available at [http://www.deq.idaho.gov/media/72473-pm00\\_4.pdf](http://www.deq.idaho.gov/media/72473-pm00_4.pdf).
- DEQ (Idaho Department of Environmental Quality). 2002a. *Idaho River Ecological Assessment Framework*. Boise, ID: DEQ. Available at [http://www.deq.idaho.gov/media/457032-assessment\\_river\\_entire.pdf](http://www.deq.idaho.gov/media/457032-assessment_river_entire.pdf).
- DEQ (Idaho Department of Environmental Quality). 2002b. *Idaho Small Stream Ecological Assessment Framework*. Boise, ID: DEQ. Available at [http://www.deq.idaho.gov/media/457038-assessment\\_stream\\_entire.pdf](http://www.deq.idaho.gov/media/457038-assessment_stream_entire.pdf).
- DEQ (Idaho Department of Environmental Quality). 2005. *Catalog of Stormwater Best Management Practices for Idaho Cities and Counties*. Boise, ID: DEQ. Available at <http://www.deq.idaho.gov/media/622263-Stormwater.pdf>.
- DEQ (Idaho Department of Environmental Quality). 2012. *Surface Water Ambient Monitoring Plan: Second Edition 2011–2020*. Boise, ID: DEQ. Available at <http://www.deq.idaho.gov/media/457007-ambient-monitoring-plan.pdf>.
- DEQ (Idaho Department of Environmental Quality). 2014a. *2014 Nitrate Priority Area Delineation and Ranking Process*. Boise, ID: DEQ. Available at <http://www.deq.idaho.gov/media/1117845/nitrate-priority-area-delineation-ranking-2014.pdf>.
- DEQ (Idaho Department of Environmental Quality). 2014b. *Idaho's 2012 Integrated Report*. Boise, ID: DEQ. Available at <https://www.deq.idaho.gov/media/1117323/integrated-report-2012-final-entire.pdf>.
- DEQ (Idaho Department of Environmental Quality). 2014c. *Strategic Plan for Fiscal Years 2015–2018*. Boise, ID: DEQ. Available at <http://www.deq.idaho.gov/media/1117684/deq-strategic-plan-15-18.pdf>.
- DEQ (Idaho Department of Environmental Quality). 2014d. *Technical Guidance Manual: Individual and Subsurface Sewage Disposal Systems*. Boise, ID: DEQ. Available at <https://www.deq.idaho.gov/media/1148/tgm-entire.pdf>.
- EPA (US Environmental Protection Agency). 2012. "Section 319 Program Guidance: Key Components of an Effective State Nonpoint Source Management Program." Available at [http://water.epa.gov/polwaste/nps/upload/key\\_components\\_2012.pdf](http://water.epa.gov/polwaste/nps/upload/key_components_2012.pdf).
- EPA (US Environmental Protection Agency). 2013. "Nonpoint Source Program and Grants Guidelines for States and Territories." Available at <http://water.epa.gov/polwaste/nps/upload/319-guidelines-fy14.pdf>

- EPA (US Environmental Protection Agency). 2014a. Letter from William Stewart to David Pisarski, “Review and comments on 2014 Idaho Nonpoint Source Management Plan Draft.”
- EPA (US Environmental Protection Agency). 2014b. Tribal Nonpoint Source Information. Available at <http://water.epa.gov/polwaste/nps/tribal/>.
- Gillis, S.; Knapp, B; Wolf, J; Izo, J.;McElligot, K.; Reader, J.;Peterson, D.; VanSant, D.;Weller, N. Indicators of Climate Change in Idaho. 2010. Available at <http://webpages.uidaho.edu/jabatzoglou/PDF/IndicatorsofClimateChangeIdaho.pdf>.
- Grafe, C.S., C.A. Mebane, M.J. McIntyre, D.A. Essig, D.H. Brandt, and D.T. Mosier. 2002. *Water Body Assessment Guidance*. 2nd ed. Final. Boise, ID: Department of Environmental Quality. 114 p.
- Idaho Code. 2014a. “Approval Provisions for Best Management Practices for New Nonpoint Source Activities on or Affecting Outstanding Resource Waters” Idaho Code 39-3620.
- Idaho Code. 2014b. “Development and Implementation of Total Maximum Daily Load or Equivalent Processes.” Idaho Code 39-3611.
- Idaho Code. 2014c. “Duties of the Basin Advisory Group.” Idaho Code 39-3614.
- Idaho Code. 2014d. “Idaho Abandoned Mine Reclamation Act. Idaho Code Title 47, Chapter 17.
- Idaho Code. 2014e. “Idaho Dredge and Placer Mining Protection Act.” Idaho Code Title 47, Chapter 13.
- Idaho Code. 2014f. “Idaho Environmental Protection and Health Act.” Idaho Code 39-101 *et seq.*
- Idaho Code. 2014g. “Idaho Lake Protection Act.” Idaho Code Title 58, Chapter 13.
- Idaho Code. 2014h. “Idaho Surface Mining Act.” Idaho Code Title 47, Chapter 15.
- Idaho Code. 2014i. “Revisions and Attainability of Beneficial Uses.” Idaho Code 39-3607.
- Idaho Code. 2014j. “Stream Channel Protection Act.” Idaho Code Title 42, Chapter 38.
- Idaho Legislative Services Office. 2013. *2013 Idaho Fiscal Facts*. Available at <http://www.legislature.idaho.gov/budget/publications/FiscalFacts/current/FF.pdf>.
- IDAPA. 2014. “Ground Water Quality Rule.” Idaho Administrative Code. IDAPA 58.01.11. Available at <http://adminrules.idaho.gov/rules/current/58/0111.pdf>.
- IDAPA. 2014. “Idaho Water Quality Standards.” Idaho Administrative Code. IDAPA 58.01.02. Available at <http://adminrules.idaho.gov/rules/current/58/0102.pdf>.
- IDAPA. 2014. “Rules Governing Pesticide management Plans for Ground Water Protection.” Idaho Administrative Code. IDAPA 02.03.01. Available at <http://adminrules.idaho.gov/rules/current/02/0301.pdf>.
- IDAPA. 2014. “Rules Pertaining to the Idaho Forest Practices Act.” Idaho Administrative Code. IDAPA 20.02.01. Available at <http://adminrules.idaho.gov/rules/current/20/0201.pdf>.
- IDL (Idaho Department of Labor). 2014. “Labor Market Information.” Available at <http://www.lmi.idaho.gov/PopulationCensus/tabid/763/Default.aspx>.

- ITD (Idaho Transportation Department). 2011. *Environmental Process Manual*. Available at [http://itd.idaho.gov/manuals/Manual%20Production/Environmental/environmental\\_cove\\_r.pdf](http://itd.idaho.gov/manuals/Manual%20Production/Environmental/environmental_cove_r.pdf).
- ITD (Idaho Transportation Department). 2014. *Best Management Practices*. Available at <http://itd.idaho.gov/enviro/Stormwater/BMP/default.htm>.
- Palmer, J. 1993. *Idaho Waste Management Guidelines for Confined Feeding Operations*. Twin Falls, ID: Idaho Department of Environmental Quality, Division of Environmental Quality. Available at <http://www.agri.idaho.gov/Categories/Animals/Dairy/Documents/Idaho%20Waste%20Management%20Guidelines%20For%20Confined%20Feeding%20Operations,%20Amended%20in%201997.pdf>.
- RPU (Resource Planning Unlimited, Inc.). 2003. *Idaho Agricultural Pollution Abatement Plan*. Sponsored by the Idaho Soil Conservation Commission and Idaho Department of Environmental Quality.
- State of Idaho. 2013. *Idaho Blue Book: 2013–2014*. Boise, ID: Secretary of State’s Office. Available at <http://www.sos.idaho.gov/elect/bluebook.htm>.
- US Census Bureau. 2013. State & County QuickFacts: Idaho. Available at <http://quickfacts.census.gov/qfd/states/16000.html>.
- US Congress. 1972. Clean Water Act (Federal Water Pollution Control Act). 33 USC §1251–1387.

*This page intentionally left blank for correct double-sided printing.*

## **Appendix A. Nonpoint Source Goals**

The following lists general goals for Idaho NPS management. More specific goals for Idaho DEQ, and the NPS Program in particular, are provided in Appendix E.

*This page intentionally left blank for correct double-sided printing.*

**Table A1. General program goals.**

Goal No.	Description	Milestones	Lead Agency	Key Entities
G-1	Build and maintain partnerships. Partnerships are needed to utilize a collaborative approach to addressing issues associated with NPS water pollution.	<ul style="list-style-type: none"> <li>• Continue to maintain and expand use of partnerships.</li> <li>• Continue to dedicate funding and staffing.</li> <li>• Continue to increase coordination between public, private, and government entities.</li> <li>• Continue to encourage partners to prioritize watersheds and resource concerns.</li> </ul>	DEQ	DEQ, IDFG, IDL, IDWR, ISDA, ITD, BLM, BOR USACE, EPA, NRCS, ISWCC, SWCDs, USFS
G-2	Provide technical assistance, outreach, and education. Providing these services and tools will help facilitate NPS assessment, planning, and implementation	<ul style="list-style-type: none"> <li>• Continue to educate the public on the proper implementation of project BMPs and how they help to achieve specific goals.</li> <li>• Continue to make available the §319 spreadsheet to access a project's technical and financial information.</li> <li>• Continue to maintain the §303(d) list.</li> </ul>	DEQ	DEQ, IDL, IDWR, ISDA, ITD, BLM, BOR, USACE, EPA, NRCS, ISWCC, SWCDs, USFS
G-3	Support ground and surface water monitoring efforts.	<ul style="list-style-type: none"> <li>• Continue to monitor ground and surface water. Monitoring is performed on schedules developed by the respective agency providing the service. For FY2015, the Idaho DEQ Strategic Plan (Appendix E), includes the goals to complete the annual ground water quality monitoring summary reports for 2013, release the revised Nitrate Priority Area rankings, conduct monitoring in 240 wadeable streams, and submit the final 2014 Integrated Report to EPA.</li> <li>• Continue to implement post-project monitoring protocols needed to evaluate the long-term effect of BMP implementation on water quality in the watershed.</li> <li>• Continue to develop monitoring strategies and plans for use at various scales within a watershed (e.g., field level, tributary, lake). The current PPA (Appendix E) states the goal of populating DEQ's ground water quality database with new and historical data and refining online mapping applications to increase public accessibility.</li> </ul>	DEQ  DEQ          DEQ	DEQ, IDWR, ISDA, USGS, ISWCC, SWCDs, IASCD, ITD

Goal No.	Description	Milestones	Lead Agency	Key Entities
G-4	Integrate ground and surface water quality activities within basins and watersheds to improve program efficiencies and provide for better protection and restoration (where needed) of ground and surface water beneficial uses.	<ul style="list-style-type: none"> <li>Conduct MS4 permit-related surface water quality monitoring.</li> <li>Continue to utilize the 1996 <i>Idaho Ground Water Quality Plan</i> and Idaho's Integrated Report for planning purposes.</li> <li>Continue to utilize TMDL implementation plans to identify resource concerns for both surface and ground water. Concerns are addressed through a comprehensive planning process including the <i>Ag Pollution Abatement Plan</i>, the <i>Field Guide for Evaluating BMP Effectiveness</i>, and the <i>Conservation Reserve Enhancement Program</i> (CREP). For FY2015, DEQ intends to complete 234 assessment unit/pollutant combination TMDLs and 6 TMDL 5-year reviews (Appendix E).</li> </ul>	ITD ISWCC	DEQ, ISWCC, SWCDs, IASCD, ISDA
G-5	Implement pollutant trading.	On-going implementation of the pollutant trading policy and requirements as addressed in the <i>Water Quality Pollutant Trading Guidance</i> .	DEQ	DEQ, EPA
G-6	Implement measures to protect drinking water from the effects of NPS pollution.	Continue to coordinate source water protection activities as addressed in <i>source water protection plans</i> and county ground water quality improvement plans. Continue to protect surface water for drinking water beneficial use where applicable. In FY15—16, Idaho is implementing TMDLs on the Spokane River, Boise River, and the Mid-Snake River, as described in the Performance Partnership Agreement (Appendix E).	DEQ	DEQ, ISWCC, SWCDs, IASCD, ISDA
G-7	Encourage the use of bioremediation techniques and biofiltration systems in project plans that involve a need for erosion control and stream channel stabilization.	Ongoing, as needed.	DEQ	DEQ, IDFG, IDWR, ISDA, IDL, ITD, ISWCC, SWCDs, BLM, BOR, USACE, NRCS, USFS
G-8	Implement the Ground Water Quality Rule.	Ongoing, as needed: <ul style="list-style-type: none"> <li>Ensure appropriate monitoring is conducted</li> <li>Implement ground water protection activities</li> </ul>	DEQ	DEQ, IDL, IDWR, USFS, BLM
G-9	WQ-10 success stories	Provide a minimum of 10 WQ-10 success stories by 2020	DEQ	

Table A2. Agricultural practices.

Goal No.	Description	Milestones	Lead Agency	Key Entities
AG-L1	Update, maintain, and implement the terms of the <a href="#">Agriculture Pollution Abatement Plan</a> (AG Plan).	Update, as needed.	ISWCC	ISWCC, DEQ, IASCD, NRCS, EPA, ISDA
AG-L2	Update and maintain the <a href="#">Idaho OnePlan</a> .	Update, as needed.	ISWCC	NRCS, ISWCC, SWCDs, DEQ, IDWR, IDL, IDFG, EPA, University of Idaho
AG-L3	Update the <a href="#">Field Guide for Evaluating BMP Effectiveness</a> .	Ongoing, as needed.	ISWCC	ISWCC, ISDA
AG-L4	Maintain and improve fish habitat within impacted streams on agricultural lands.	Ongoing, as needed.  Ongoing, as needed	IDFG  Land-ownership dependent	IASCD, ISDA, ISWCC, SWCDs, NRCS  IDL
AG-L5	Complete <a href="#">TMDL implementation plans</a> (watershed management plans) and conservation accomplishment components of 5-year reviews.	Ongoing, as needed.  Adhere to the <a href="#">TMDL process</a> , including the <a href="#">TMDL settlement agreement and schedule</a> for TMDL development and 5-year reviews, to guide efforts throughout the year.	ISWCC  DEQ	ISDA, ISWCC, SWCDs, DEQ, NRCS
AG-L6	Encourage farm planning and BMP implementation.	Generate project status reviews and progress report as needed.  Ongoing, as needed	ISWCC  Land-ownership dependent	ISWCC, NRCS  IDL

<b>Goal No.</b>	<b>Description</b>	<b>Milestones</b>	<b>Lead Agency</b>	<b>Key Entities</b>
AG-L7	Encourage and implement, when possible, the use of grazing control methods such as fencing, developing riparian buffer zones, implementing grazing systems, providing alternative water sources and supplemental feed, and providing alternative shade sources to limit livestock impacts to streams.	Ongoing, as needed.	Land-ownership dependent	IDL, ISWCC, BLM, USFS, ISDA, SWCDs, DEQ
AG-L8	Restore riparian functions affected by past hydrological modification through BMPs.	Ongoing, as needed.	Land-ownership dependent	BLM, IDL, USFS, IDFG, DEQ
AG-L9	Develop and implement other initiatives to address channel modification, irrigation practices, and flow issues.	Ongoing, as needed.	Land-ownership dependent	BOR, IDWR, USACE, irrigation districts

**Table A3. Natural resource extraction goals.**

Goal No.	Description	Status and Milestones	Lead Agency	Key Entities
NRE-L1	Evaluate and report on the success of the mining NPS program; identify deficiencies and propose remedies.	Ongoing, as needed. The DEQ <a href="#">2013 Preliminary Assessment Site Inspection Program Work Plan</a> includes the following tasks for DEQ: <ul style="list-style-type: none"> <li>• Obtain site access agreements with private property owners and land management agencies to assess potential waste sites. DEQ and EPA will coordinate prioritization of sites or watersheds to be assessed.</li> <li>• Continue to maintain the <a href="#">Preliminary Assessment Web Page</a>.</li> <li>• Continue to develop and implement a public outreach strategy.</li> <li>• Complete assessments through desktop research and field site inspections with generation of final reports.</li> <li>• Provide both new and routine training for DEQ staff.</li> </ul>	DEQ	DEQ, IDL, BLM, USFS
NRE-L2	Maintain the <a href="#">Best Management Practices for Mining Manual</a> .	Ongoing, as needed.	IDL	IDL, DEQ, IDWR, USFS, BLM
NRE-L3	Operate a program that provides incentives for mine operators to control NPS pollution and restore beneficial uses at historic mine sites. Identification of NPS pollution from historic mine sites is accomplished through the <a href="#">DEQ Preliminary Assessment Program</a> .	Ongoing, as needed.	Land-ownership dependent	IDL, DEQ, IDWR, USFS, BLM

<b>Goal No.</b>	<b>Description</b>	<b>Status and Milestones</b>	<b>Lead Agency</b>	<b>Key Entities</b>
NRE-L4	Restore riparian functions affected by past hydrological modification through BMPs.	Ongoing, as needed.	Land-ownership dependent	DEQ, IDFG, USFS, BLM, IDL, BOR, USACE, National Marine Fisheries Service, USFWS, IDWR
NRE-L5	Participate in the permitting and licensing process for diversions and dams.	Ongoing, as needed.	Land-ownership dependent	IDL, BLM, USFS, BOR, USACE, DEQ, IDWR, NMFS, USFWS, Federal Energy Regulatory Commission, EPA, IDFG, irrigation districts
NRE-L6	Develop and implement other initiatives to address channel modification and flow issues.	Ongoing, as needed.	IDWR	IDL, BLM, USFS, BOR, USACE, IDWR

**Table A4. Timber/silviculture management goals.**

Goal No.	Description	Status and Milestones	Lead Agency	Key Entities
TSM-L1	Restore and maintain beneficial uses impacted by erosion and runoff caused by silvicultural practices, including the construction and maintenance of forest roads.	<ul style="list-style-type: none"> <li>• Conduct inspections of forest practices on a frequency determined by the respective lead agency. If any unsatisfactory conditions are observed, they are documented and an issuance is given to the operator with a deadline to perform any needed remediation.</li> <li>• All inspection data are summarized and published by each respective agency as they become available.</li> </ul>	Land-ownership dependent	IDL, USFS, BLM
TSM-L2	Review, develop, refine, and implement BMPs in support of Forest Practices Act administrative rules.	<ul style="list-style-type: none"> <li>• Conduct <a href="#">water quality audits of recently completed harvesting operations</a> on federal, state, and private forestland every 4 years.</li> <li>• Ongoing, as needed, review, develop, and refine BMPs.</li> </ul>	DEQ  IDL	IDL, USFS, DEQ, BLM
TSM-L3	Manage watershed activities in mixed ownership drainages.	<p>Ongoing, as needed.</p> <ul style="list-style-type: none"> <li>• Endowment land foresters work with neighboring forestland owners and coop-road co-owners to schedule and implement watershed improvement activities on state forestlands.</li> <li>• IDL offers annual educational, BMP update sessions, both in the classroom and in the field. IDL works with the <a href="#">University of Idaho Extension</a> and <a href="#">Associated Logging Contractors</a> to offer targeted BMP educational sessions at <a href="#">Idaho's annual logger-education (Logger Education to Advance Professionalism)</a> sessions and at the annual Non-Industrial Private Forest landowner field day.</li> </ul>	IDL	IDL

**Table A5. Urban/suburban development goals.**

<b>Goal No.</b>	<b>Description</b>	<b>Status and Milestones</b>	<b>Lead Agency</b>	<b>Key Entities</b>
<b>SHORT-TERM GOALS</b>				
U-SS1	Abate occurrences of failed or illegal subsurface sewage disposal systems resulting in sewage on the ground surface.	Ongoing, as needed.	Health districts	Health districts, DEQ
U-SS2	Maintain up-to-date lists of licensed septic tank installers and pumpers.	Ongoing, as needed.	Health districts	Health districts
U-SS3	Provide training to individual and subsurface sewage treatment system installers.	Annually.	Health districts	Health districts
U-SS4	Maintain and update the public health districts' <i>Subsurface Sewage Disposal System Standard Operating Procedures Manual</i> .	Ongoing, as needed. The manual is updated by the health districts, with input from DEQ.	Health districts	Health districts
U-SS5	Ensure proper operation of advanced aeration systems throughout the state to safeguard the ground water and environmentally sensitive areas where these on-site systems are installed.	Ongoing, as needed.	DEQ	Health districts, DEQ
<b>LONG-TERM GOALS</b>				
U-SL1	Publish and maintain guidance documents for subsurface sewage disposal (i.e., the <i>Technical Guidance Manual for Individual and Subsurface Sewage Disposal Systems</i> [TGM])	Ongoing, as needed. The Technical Guidance Committee meets each quarter; meeting minutes and updates to the TGM are published online.	DEQ	DEQ, health districts

Goal No.	Description	Status and Milestones	Lead Agency	Key Entities
U-SL2	Monitor ground water quality.	<p>Ongoing, as needed:</p> <ul style="list-style-type: none"> <li>• Statewide ground water monitoring is coordinated by IDWR. There are 1,500 total sites: 400 are monitored annually, and the remaining sites are sampled once every 5 years.</li> <li>• ISDA implements regional and local ground water monitoring for pesticides and other potential pollutants.</li> <li>• DEQ implements statewide monitoring, as needed, to address a variety of potential contaminants such as nutrients, arsenic, and volatile organic compounds.</li> <li>• Update the nitrate priority area plan on a 5-year cycle.</li> </ul>	<p>IDWR</p> <p>ISDA</p> <p>DEQ</p> <p>DEQ</p>	<p>DEQ, IDWR, ISDA, health districts</p>
U-SL3	<p>Provide technical assistance to public water systems or local units of government to develop wellhead and source water protection plans. New public water systems are required to complete a source water protection plan in order to demonstrate adequate technical, managerial, and financial capacity. Other systems and communities can voluntarily implement source water protection.</p>	<p>Ongoing, upon request.</p>	<p>DEQ</p>	<p>DEQ, Health District, Idaho Rural Water Association</p>

Goal No.	Description	Status and Milestones	Lead Agency	Key Entities
U-SL4	Manage the Stormwater Program.	Ongoing, as needed. <ul style="list-style-type: none"> <li>• Periodically conduct erosion and sediment control workshops.</li> <li>• DEQ provides technical assistance and support for controlling stormwater through its <i>Catalog of Stormwater Best Management Practices for Cities and Counties</i>.</li> <li>• ITD maintains the storm drain system that lies within the state highway right-of-way and incorporates erosion and sediment controls into its construction projects to keep pollutants out of stormwater. It also maintains best management practices manuals.</li> <li>• IDWR administers the Stream Channel Protection Program. Stream channel alteration permits are required in situations where construction activities may impact a stream below the mean high water mark, including construction of a stormwater outfall along a river, stream, or lake.</li> </ul>	EPA  DEQ  ITD  ITD	EPA, DEQ, ITD, IDWR, health districts, cities, counties
U-SL5	Incorporate stormwater BMPs into comprehensive plans and local ordinances.	Ongoing. Stormwater plans and ordinances are routinely updated as BMPs are updated.	EPA	EPA, cities, counties
U-SL6	Maintain and improve programs that address solid waste disposal, land applied biosolids, and hazardous household wastes.	Ongoing, as needed.	DEQ	DEQ

**Table A6. Transportation goals.**

<b>Goal No.</b>	<b>Description</b>	<b>Status and Milestones</b>	<b>Lead Agency</b>	<b>Key Entities</b>
<b>SHORT-TERM GOALS</b>				
T-S1	Minimize NPS pollution that may result from the design, construction, and maintenance of roads within the agency's jurisdiction. Construction and maintenance is guided by respective agency BMPs.	Ongoing, as needed	Land-ownership dependent	ITD, USFS, BLM, IDL, cities, counties, highway districts
T-S2	Implement effective BMPs at facilities and storage areas where vehicle and equipment maintenance occurs and materials are stored. BMPs can be found in respective agency maintenance manuals.	Ongoing, as needed.	Land-ownership dependent	ITD, USFS, BLM, IDL, cities, counties, highway districts
<b>LONG-TERM GOALS</b>				
T-L1	Increase collaborative efforts to manage NPS pollution from transportation sources.	Ongoing, as needed.	Land-ownership dependent	ITD, USFS, BLM, IDL, cities, counties, highway districts
T-L2	Increase NPS pollution awareness efforts for road maintenance personnel.	Ongoing, as needed.	Land-ownership dependent	ITD, USFS, BLM, IDL, cities, counties, highway districts

**Appendix B. 2013 Memorandum of Understanding between  
the Idaho Department of Water Resources and  
the USDA, Forest Service Intermountain and  
Northern Regions**

*This page intentionally left blank for correct double-sided printing.*

## **Appendix C. Unfunded NPS Programs**

The following are programs that are currently unfunded:

- The Agricultural Water Quality Cost-Share Program for Idaho is a program that is jointly administered by the Idaho State Soil and Water Conservation Commission and the Idaho State Department of Agriculture (IDAPA 60.05.03).
- The Idaho Department of Environmental Quality on-going water quality monitoring of 319 subgrant projects.

*This page intentionally left blank for correct double-sided printing.*

## Appendix D. Active §319 Subgrants

Funded NPS subgrant projects as of August 12, 2014.

<b>Subgrant</b>	<b>Project Name</b>	<b>Project Sponsor</b>
S381	Boulder Creek Restoration	Idaho Department of Fish and Game (IDFG)
S389	Little Salmon River Watershed Improvement	IDFG
S394	SF Clearwater Watershed Vegetation	Palouse-Clearwater Environmental Institute
S396	Potlatch River Watershed Management Plan Phase 2	Latah Soil and Water Conservation District (SWCD)
S399	Marsh Creek Middle Portneuf Watershed	Portneuf SWCD
S400	Teton Creek Channelization Repair	Friends of the Teton River
S401	Little Weiser River Streambank Stabilization	Adams SWCD
S404	Bear Valley Casner Creek Restoration	Trout Unlimited
S406	American Red River Phase 2	Framing Our Community, Inc.
S425	Potlatch River Watershed Management Plan Phase 3	Latah SWCD
S427	St Maries River Road Improvement	Benewah County
S428	Grimes Creek Restoration Cooling Waters	Trout Unlimited
S430	Upper Blackfoot River Improvement Phase 1	Caribou SWCD
S431	Bear River and Whisky Creek AFOs	Caribou SWCD
S432	Boulder and Willow Creek Restoration	IDFG
S433	Little Salmon River Watershed Improvement	IDFG
S443	Canyon County BMPs	Lower Boise Watershed Council
S444	Mud Creek /Silo Creek	Balanced Rock SWCD
S458	Cold Springs Creek Riparian Restoration	Elmore SWCD
S459	Rock Creek BMPs	Idaho SWCD
S460	Potlatch River Phase IV	Latah SWCD
S461	Upper Bear River Streambank Stabilization	Bear Lake Regional Commission
S462	Clear Creek Road Restoration	Valley County Road Department
S463	Cove Creek Wetlands	Weiser River SWCD
S464	Coeur D'Alene River at Medimont	Kootenai-Shoshone SWCD
S465	Valley County Watershed	Valley SWCD
S467	Pebble Creek Channel Reconstruction	Portneuf SWCD
S468	St. Maries River Road Phase 2	Benewah County
S469	Twin Falls Coulee	Snake River SWCD
S471	Station Creek Watershed Improvement	Franklin SWCD
S472	Lindsay Creek Water Quality Improvement Phase 1	Nez Perce SWCD
S490	Fish Creek Restoration	Twin Lakes Improvement Association

<b>Subgrant</b>	<b>Project Name</b>	<b>Project Sponsor</b>
S491	Potlatch River Watershed Management Plan Phase 5	Latah SWCD
S492	Upper Lanes Creek Restoration	Trout Unlimited
S493	Middle Snake-Payette Clean Water Phase 2	Payette SWCD
S494	Owyhee Restoration Incentive Program	Owyhee Watershed Council
S495	PBJ Diversion	Bear Lake SWCD
S496	Wide Hollow Erosion Reduction	Oneida SWCD
S498	Mica Creek Sediment and Nutrient Reduction	Kootenai-Shoshone SWCD
S516	Wolf Lodge Creek Restoration	Kootenai-Shoshone SWCD
TBD	39/39A Lateral Drain Sediment Reduction	Balanced Rock Soil Conservation District (SCD)
S520	Alder Creek Road BMP Implementation	Benewah County Highway District
TBD	Bear River Bank Stabilization	Bear Lake Regional Commission
S521	Canyon County BMP Implementation Phase III	Lower Boise Watershed Council
TBD	Cocolalla Lake Wetlands Restoration	IDFG
S518	Lewis County Soil Improvement	Lewis SCD
TBD	Pebble Creek Irrigation Conversion	Caribou SCD
S519	Snake Creek Bridge Installation	Clearwater SWCD
TBD	Upper Weiser River Bank Stabilization	Adams SWCD
S522	Weiser Flats Wetlands Development Phase III	Weiser River SCD
TBD	Wimpey and Pratt Creek Riparian/Channel Restoration	The Nature Conservancy
TBD	Stauffer Creek Riparian Restoration	Bear Lake SWCD
WW1010	Middle Bear River Watershed Mound Valley	Franklin SWCD
WW1103	Teton Creek Channelization Repair	Friends of the Teton River
WW1201	Trout Creek AFO	Caribou SWCD
WW1205	North Fork Payette River	Alzar School
WW1207	Ovid Creek Stream Protection	Bear Lake SWCD

## **Appendix E. Idaho DEQ Planning Documents**

Specific goals for Idaho DEQ, and the NPS Program, are defined in the following:

- The Idaho DEQ Strategic Plan, updated annually, describes overall agency goals for current and future years, including water quality
- The Water Quality Division Performance Partnership Agreement (PPA) between EPA and Idaho, updated annually, defines specific goals for water quality, including surface water assessment and protection, watershed protection, wastewater permitting, ground water, NPDES, drinking water and wastewater loan programs, and the safe drinking water program.
- EPA Nonpoint Source Grant Agreement with Idaho, updated annually

The currently approved versions of these documents, provided on the following pages for ease of reference, spell out the detailed goals and objectives for Idaho water quality.

**Idaho DEQ Strategic Plan (2015—2018)**



**Idaho Department  
of Environmental Quality**

---

**Strategic Plan  
for  
Fiscal Years 2015-2018**



**A Vision for the Future**

July 2014

Cover photo of Arrowrock Reservoir, summer 2015.

Idaho Department of Environmental Quality  
State Office  
1410 North Hilton  
Boise, Idaho 83706  
(208) 373-0502  
[www.deq.idaho.gov](http://www.deq.idaho.gov)

## Table of Contents

Message from the Director .....	vii
Introduction .....	1
Purpose and Structure of the Strategic Plan .....	2
Agency Goals, Objectives, and Strategies.....	4
<b>Air Quality Goal: Manage air quality in Idaho airsheds to ensure compliance with National Ambient Air Quality Standards.</b> .....	<b>4</b>
Objective 1. Protect public health by issuing pollution control permits and maintaining monitoring and modeling capabilities to ensure compliance with NAAQS. ....	4
Objective 2. Maintain an effective compliance assurance program that ensures air pollution sources are in compliance with permit conditions and regulatory requirements.....	6
Objective 3. Protect public health from the impacts of smoke. ....	6
Objective 4. Work with communities to proactively and voluntarily protect public health from air pollution. ....	8
<b>Waste Management and Remediation Goal 1: Through proper waste and product management, prevent and protect soil and water from contamination resulting from solid and hazardous waste, petroleum products, and mining-related activities</b> .....	<b>10</b>
Objective 1. Minimize the threat of releases of hazardous, solid, and mining wastes and petroleum products to the environment. ....	10
<b>Waste Management and Remediation Goal 2: Protect human health and the environment through proper waste management, mitigation, and remediation of contaminated areas.</b> .....	<b>12</b>
Objective 1. Assess and remediate contaminated sites.....	12
Objective 2. Complete risk assessments and determine necessary action to prevent and control the release of past mining and other industrial and landfill contamination to the environment.....	14
Objective 3. Implement major long-term cleanup actions for historic releases of mining-related contamination to the environment. ....	15
Objective 4. Complete CERCLA (Superfund) regulatory actions at the Idaho National Laboratory.....	17
<b>Idaho National Laboratory Oversight Goal: Protect public health and the environment at and around the Idaho National Laboratory</b> .....	<b>19</b>
Objective 1. Monitor environmental conditions on and around the INL, compare the results to those generated by United States Department of Energy contractors and to applicable regulations, and keep the public informed. ....	19
Objective 2. Maintain independent capability for radiological emergency response/consequence assessment modeling. ....	20
<b>Water Quality Goal 1: Maintain and improve surface and ground water quality in Idaho.</b> .....	<b>21</b>
Objective 1. Monitor and assess water quality conditions to determine compliance with standards and support of beneficial uses. ....	21
Objective 2. Complete reviews, guidance, and plans for improving and maintaining water quality.....	22
Objective 3. Implement pollution reduction actions needed to meet water quality standards and support beneficial uses.....	23

Objective 4. Develop the Idaho Pollutant Discharge Elimination System program ..... 26

**Water Quality Goal 2: Protect human health through the delivery of safe and reliable drinking water from public water systems. .... 27**

Objective 1. Ensure customers served by regulated public water systems are receiving safe and reliable drinking water..... 27

Objective 2. Assist public water system owners in protecting their drinking water sources from contamination..... 28

Objective 3. Provide financial assistance to public water systems for facility improvements and source water protection. .... 29

**Emergency Preparedness and Response Goal: Prevent, prepare for, and respond to public health and environmental emergencies. .... 31**

Objective 1. Provide training and technical expertise for emergency planning and preparedness. .... 31

Objective 2. Respond to public health and environmental emergencies..... 31

**Environmental Outreach and Education Goal: Encourage and empower Idaho citizens, businesses, and communities to engage in behaviors to protect public health and preserve Idaho’s environment. .... 33**

Objective 1. Employ public outreach to increase awareness and understanding of environmental and related health issues impacting Idaho citizens, schools, businesses, and communities..... 33

Objective 2. Build the capabilities of Idaho citizens to incorporate pollution prevention practices into the workplace and their daily lives. .... 34

Objective 3. Lead by example to demonstrate DEQ’s commitment to the benefits of modeling environmentally responsible behaviors. .... 35

**Performance Accountability ..... 36**

**List of Figures**

Figure 1. DEQ organizational chart ..... 2

Figure 2. DEQ regional offices ..... 3

Figure 3. Particulate monitor in Pinehurst..... 4

Figure 4. Air Quality Index ..... 5

Figure 5. An EPA Method 5/202 particulate matter sampling train from an emission test observation at Idaho Power’s Langley Gulch natural gas-fired combustion turbine near New Plymouth..... 6

Figure 6. Smoke from a prescribed burn at Dworshak Reservoir near Orofino, fall 2013. .... 7

Figure 7. An inspector conducts a visual inspection of emission control systems during an emissions test..... 8

Figure 8. Broken lead-acid batteries pose a threat to human health and the environment. .... 10

Figure 9. Removal of a 20,000-gallon UST from a site in Homedale. .... 11

Figure 10. UST basin after tank removal. USTs were located so close to buildings that shoring had to be installed to protect buildings from collapsing into excavation..... 11

Figure 11. Former Goodman Oil building—a brownfields site—in Grand View. Flagged stakes represent geoprobe soil boring locations. A geoprobe is a hydraulically powered soil probing machine that drives steel boring rods into the ground to the desired depth. The rods contain plastic tubes that collect soil samples for analysis..... 13

Figure 12. Monitoring well installation by geoprobe drill rig at a brownfields site inside the former Idaho Linen Building in Boise. .... 13

Figure 13. DEQ’s Preliminary Assessment Program evaluates and prioritizes assessment of potentially contaminated sites such as abandoned mines, rural airfields that have served as bases for aerial spraying, old landfills, illegal dumps, and abandoned industrial facilities. .... 14

Figure 14. Before photo of the Pedro Creek Overburden Disposal Area (ODA)..... 15

Figure 15. Work completed in 2013 for the Pedro Creek ODA..... 15

Figure 16. DEQ employees Glen Pettit and Denna Grangaard at an educational booth about human health and soil and water quality in the Coeur d’Alene River basin at the North Idaho Fair and Rodeo. Led by the DEQ Kellogg office, this cooperative effort involves the BEIPC, EPA, Coeur d’Alene Tribe, and Panhandle Health District and reaches 2,000 people annually. .... 16

Figure 17. Paved Roads Remediation Program project in Osburn, Idaho..... 17

Figure 18. Remediation work at Bunker Hill creating a storm drain channel to help manage contaminant migration..... 17

Figure 19. Radioactive Waste Management Complex looking south..... 18

Figure 20. Community monitoring station. .... 19

Figure 21. Radiological monitoring station..... 19

Figure 22. Sampling irrigation well downgradient of INL. .... 20

Figure 23. DEQ staff conducting a streambank erosion inventory on the Little Wood River..... 22

Figure 24. Rock barbs are set on an angle pointing upstream to divert water from eroding shorelines. .... 23

Figure 25. The tenth annual Water Reuse Conference, May 2014. Conference attendance was at an all-time high with over 300 attendees from cities, businesses, and government entities from across the nation. .... 24

Figure 26. This project addressed nonpoint source water quality problems on Rock Creek. .... 25

Figure 27. Secondary clarifier at the City of Meridian’s water reuse facility. The clarifier helps treat the wastewater by allowing solids to settle out and any residual fats and greases to rise and be skimmed off the top. The treated and clarified water can then be filtered and disinfected before reuse. .... 25

Figure 28. Reclaimed water signage at Heroes Park in Meridian. .... 25

Figure 29. City of Chubbuck water storage tanks..... 27

Figure 30. DEQ attends outreach events—this one at the Boise WaterShed during Water Awareness Week—and conducts youth activities such as the Incredible Edible Aquifer, which illustrates the geologic formation of an aquifer, how pollution can get into ground water, and how this pollution can end up in drinking water wells.....28

Figure 31. DEQ responded to a semi tractor trailer crash on Highway 95 near Riggins. The boat helped survey and secure the fuel tanks submerged in the Salmon River.....32

Figure 32. Gayle Osburn, from DEQ’s Lewiston Regional Office, responded to the event as an environmental liaison helping with remediation oversight.....32

Figure 33. DEQ hosted a workshop at the 2013 Idaho Science Teachers Association Conference in Pocatello.....33

Figure 34. Materials from a chemical replacement analysis DEQ conducted with Usful Glassworks in Boise to find a safer alternative to methylene chloride-based paint strippers.....34

Figure 35. As part of Commuteride’s May in Motion event, 92 DEQ employees avoided driving 24,150 vehicle miles by using alternative transportation, such as this Commuteride vanpool, for the entire month of May.....35

**List of Tables**

Table 1. Ozone precursor modeled annual reductions..... 8

Table 2. DEQ performance commitments for FY2015..... 38

Table 3. Emerging issues and opportunities for FY2015–2018..... 38

## Message from the Director

The Idaho Department of Environmental Quality's (DEQ's) strategic plan outlines the agency's goals, objectives, and strategies for fiscal years 2015–2018. The plan provides a clear and concise blueprint for how the agency will seek to protect public health and the environment over the next several years and how we will measure our performance. It also looks to the future by identifying emerging issues and opportunities that may impact public health and Idaho's environment in coming years.

Like all state agencies, DEQ felt the effects of the economic downturn. We tightened our belts and met the challenge of making do with less, while continuing to focus on the following core functions and services:

- Managing air quality to ensure compliance with federal health-based standards
- Preventing and protecting soil and water from hazardous, petroleum, and mining waste contamination
- Managing, mitigating, and remediating waste-contaminated areas
- Protecting public health and the environment at and around the Idaho National Laboratory
- Maintaining and improving surface and ground water quality
- Ensuring delivery of safe and reliable drinking water from public water systems
- Preventing, preparing for, and responding to public health and environmental emergencies
- Encouraging and empowering Idaho citizens, businesses, and communities to engage in environmentally responsible behaviors

As we continue to work toward fulfilling these functions in fiscal year 2015 and beyond, fiscal realities remain challenging. Although the economy is picking up, DEQ's budget remains relatively flat near recession levels. It is incumbent on DEQ to clearly justify any future requests for additional funding or staff that are necessary to address increases in costs and workloads—increases that we fully expect.

While signs of economic growth are generally positive, we are aware that as the economy gains steam, higher salaries in the employment marketplace are making it increasingly difficult to attract and retain knowledgeable and talented staff. In recent years, DEQ has lost a significant number of experienced professional staff through resignations for higher-paying jobs. DEQ is committed to doing all it can to retain our very capable and dedicated staff of scientists, engineers, analysts, information technology professionals, and administrators.

Related challenges and opportunities are presented by the recent and upcoming retirements of a number of long-term, key DEQ employees. This phenomenon appears to be common among agencies statewide as the baby boomer workforce transitions into retirement. As a result, DEQ is increasingly focused on succession planning to maintain continuity and ensure a smooth transfer of experience during this period of realignment.



Curt Fransen

Another key DEQ focus over the next several years will be implementing a major new state program to issue water quality permits to entities that discharge wastewater into surface waters of the state.

Legislation requiring DEQ to pursue state primacy for the National Pollutant Discharge Elimination System (NPDES) program, currently operated by the US Environmental Protection Agency, passed earlier this year. Idaho is one of only four states that does not administer an NPDES program.

DEQ expects this new state-run program will be a positive development both for the environment and regulated entities. Implementing a new program like this will bring exciting challenges to the agency. While permittees must expect that protective, substantive permitting requirements will remain, they can look forward to gaining enhanced access to permit writers and other staff with local experience and knowledge and experiencing a streamlined timeline for issuing permits. Planning and early steps toward implementation of this multiyear effort are underway, with the launch of a 4-year

phase-in of issuing sector-specific permits targeted for 2018.

In addition to developing the state NPDES program, a number of other specific environmental regulatory challenges are on the horizon. DEQ will be addressing the following issues:

- **New federal air quality standards for ozone.** Some areas of the state could be declared nonattainment as a result of stricter standards, and DEQ could be required to develop costly and time-consuming plans to regain attainment status to ensure protection of public health and minimize economic impacts.
- **Development of human health water quality criteria for toxic pollutants.** DEQ is currently collecting data on fish consumption within the state and engaged in negotiated rulemaking to update criteria. New criteria could affect virtually all Idahoans—those who recreate in, get their drinking water from, or fish Idaho's surface waters and all who discharge pollutants into those waters. Our goal is to ensure the criteria are scientifically based, protective, and achievable.
- **Completion of and change in major cleanup actions at both the Idaho National Laboratory and the Bunker Hill Superfund Site.** Many cleanup activities at these sites are being completed or refocused, which will affect the type and level of DEQ oversight. Environmental monitoring and emergency planning and response will remain focal points regarding the Idaho National Laboratory. Completion and maintenance of human health-related cleanups are priorities at the Bunker Hill Site, along with new actions to improve water quality and address natural resource damages.
- **Ongoing and increasing participation in the oversight of cleanup activities at historic phosphate mines in southeast Idaho.** Work continues on the assessment and remediation of approximately 30 mine sites in southeast Idaho. DEQ will continue to play a key role in both the cleanup and permitting processes.

Overall, fiscal year 2015 and beyond looks to be a busy and productive period for DEQ. We will rely on the strategies outlined in this plan to ensure we continue to fulfill our fundamental responsibilities of protecting public health and the environment.

## Introduction

### DEQ's Mission

**To protect human health and preserve the quality of Idaho's air, land, and water for use and enjoyment today and in the future.**

The Idaho Department of Environmental Quality (DEQ) was established by the Idaho Environmental Protection and Health Act (Idaho Code Title 39, Chapter 1) to protect human health and the environment.

As the state's environmental regulatory agency, DEQ is responsible for implementing and enforcing delegated federal programs under the Clean Air, Clean Water, Safe Drinking Water, and Resource Conservation and Recovery Acts, as well as many state environmental laws and rules. This regulatory responsibility covers a broad range of activities to ensure Idaho's air, water, land, and citizens are protected from the adverse impacts of pollution.

Overall, our primary activities involve monitoring, permitting, inspecting, remediating, and providing oversight and technical assistance.

- Environmental monitoring is performed to assess conditions and ensure health-based standards are met.
- Permits are issued to facilities that manage wastes or release pollutants in order to limit the amounts to safe levels.

- Inspections of pollution sources and responses to complaints help ensure compliance with environmental regulations and standards.
- Remediation entails removing or neutralizing contaminants in soil and surface waters. Compliance may be voluntary or, if necessary, enforcement action may be taken.
- Oversight can include many different projects such as cleanups, pollution reduction, and drinking water and wastewater infrastructure improvements.
- Finally, assistance is provided through outreach and education to facilitate compliance with environmental requirements.

DEQ works closely and collaboratively with a wide range of public and private partners, including federal and state agencies; the Board of Environmental Quality; city, county, and tribal governments; businesses; community organizations; and Idaho citizens. These partnerships are critical to accomplishing our environmental and human health protection mission.

### Our Vision

**DEQ envisions a future for the citizens of Idaho where the quality of life is enhanced by the quality of the environment. In partnership with communities and businesses, we will assess, sustain, preserve, and enhance the quality of the environment while recognizing the need for maintaining the economic vitality of the state.**

## Purpose and Structure of the Strategic Plan

Idaho statute requires each state agency to develop a strategic plan that is the foundation for establishing performance commitments and assessing progress toward achieving agency goals (Idaho Code 67-1903). Plans are based on the state fiscal year (July 1 through June 30); cover a 4-year horizon into the future, including the year in which they are developed; and are updated annually.

The purpose of the strategic plan is to provide planning and performance information to the legislature, which oversees and assesses performance, taking into account the statutory authority granted to the agency and the agency’s appropriated annual budget.

The strategic plan has been designed to mirror DEQ’s organizational structure (Figure 1). The agency headquarters in Boise is organized into divisions that focus on developing and administering programs and policies.

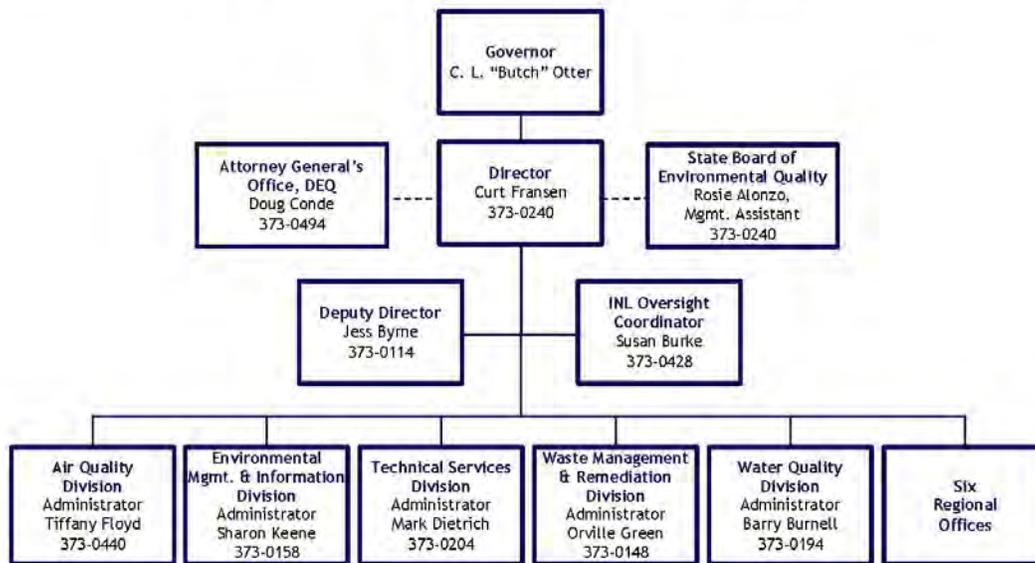


Figure 1. DEQ organizational chart.

**Goals, objectives, and strategies** are identified in the plan for each programmatic division—Air Quality, Waste Management and Remediation, Water Quality, and Environmental Management and Information—and for the Idaho National Laboratory Oversight Program and emergency preparedness and response.

- **Goals** describe the broad environmental and/or human health conditions the agency is trying to achieve.
- **Objectives** are the incremental steps that will be taken to achieve each goal.
- **Strategies** are the specific actions necessary to achieve the objectives.

The day-to-day, on-the-ground services of the agency are provided locally by six regional offices (Figure 2). The regional offices implement statewide programs and policies and perform many similar ongoing functions and services. However, individual regions sometimes face unique challenges specific to their geographic areas. Regional initiatives are identified in the strategic plan, consistent with corresponding goals and objectives.



Figure 2. DEQ regional offices.

## Agency Goals, Objectives, and Strategies

### Air Quality Goal:

Manage air quality in Idaho airsheds to ensure compliance with National Ambient Air Quality Standards.

National Ambient Air Quality Standards (NAAQS) are federal standards established by the United States Environmental Protection Agency (EPA) that all states are required to meet. Standards have been established for six pollutants (known as criteria pollutants): nitrogen dioxide, carbon monoxide, ozone, sulfur dioxide, lead, and two sizes of particulate matter (PM<sub>10</sub>—particulate matter less than 10 microns in diameter—and PM<sub>2.5</sub>, which is less than 2.5 microns in diameter).

These standards establish the health-based thresholds below which DEQ strives to control air pollution in the various airsheds throughout Idaho. An airshed is defined as a volume of air that has similar characteristics and is separated from other volumes of air by weather patterns and topography. An airshed is mostly confined to a specific and definable geographic area.

DEQ maintains and operates a comprehensive statewide air quality monitoring network in selected cities to track compliance with the NAAQS and to report on the effectiveness of various actions taken to control air pollution and protect public health.

The overriding agency goal for air quality is to meet and maintain compliance with the NAAQS. If the NAAQS are violated in a geographic area, EPA designates these geographic areas as “nonattainment areas,” and DEQ is responsible for developing plans for controlling pollution to meet and maintain the NAAQS.

DEQ is committed to working with local communities to meet these standards and to developing the best state and local solutions for controlling pollution and protecting air quality. To meet this goal, the Air Quality Division has four objectives.

#### **Objective 1. Protect public health by issuing pollution control permits and maintaining monitoring and modeling capabilities to ensure compliance with NAAQS.**

DEQ issues air quality permits that can be facility-specific or for categories of industrial activities. Facility-specific permits are issued for construction, modification, and operation of stationary pollution sources to control the emissions of pollutants into the atmosphere. Permit limits, monitoring requirements, and operational requirements are specified to ensure increases in emissions will not cause or contribute to violations of air quality standards. In some instances, DEQ issues general permits for specific categories of industrial activity, such as aggregate processing operations.

DEQ monitors for ambient air quality conditions and conducts modeling to predict air quality impacts as required under the federal Clean Air Act. These tools, in conjunction with emissions inventory information, give DEQ the ability to assess compliance with the NAAQS, forecast future compliance, and assess the effectiveness of specific measures to control emissions, reduce pollution levels, or both (Figure 3).



Figure 3. Particulate monitor in Pinehurst.

DEQ provides daily forecasts of air quality conditions to the public for pollutants of concern (ozone and particulates) in the form of an Air Quality Index in selected cities throughout Idaho. The forecasted Air Quality Index considers monitoring data; the NAAQS, which are health based; local emission sources; and meteorological conditions and is reported on a scale of good, moderate, unhealthy for sensitive groups, unhealthy, very unhealthy, and hazardous (Figure 4). The index provides the public a tool to gauge air quality conditions and the potential health effects. DEQ also provides advice on precautionary measures to minimize exposure and reduce air pollution.

**Strategies for ensuring NAAQS compliance through permitting, monitoring, and modeling:**

- Issue and modify pollution control permits to ensure NAAQS and federal requirements for air pollutants are met.
- Perform stationary source modeling to ensure permits contain limits necessary for controlling pollution to meet the NAAQS.
- Issue construction permits in a timely manner.
- Provide appropriate modeling guidance documents.
- Maintain a statewide network of meteorological monitoring stations and provide staff access to real-time pollutant and meteorological data for modeling, air quality forecasting, and other air quality management decisions.
- Evaluate airsheds annually for compliance with the NAAQS and submit recommendations to EPA for redesignations and reclassifications.
- Make air monitoring and meteorological data available to the public and stakeholders for permit applications, crop residue burning, and other uses.
- Report air quality information to the public daily and inform the public of actions to help air pollution and protect public health.
- Assist local communities in responding to smoke impacts by providing timely information.

Know Before You Go! Air Quality Index		
Category	Index Value	Level of Health Concerns
Green	0-50	Good
Yellow	51-100	Moderate
Orange	101-150	Unhealthy for sensitive groups
Red	151-200	Unhealthy
Purple	201-300	Very unhealthy
Maroon	301-500	Hazardous

Figure 4. Air Quality Index.

**Air Quality Performance Measures**

- ✓ In FY2015, issue air quality permits to construct in 99 days, on average. (This is a benchmark performance measure; see the Performance Accountability section.)
- ✓ In FY2015, correctly forecast the accurate Air Quality Index category for 100% of days in Idaho's airsheds. (This is a benchmark performance measure; see the Performance Accountability section.)

**Objective 2. Maintain an effective compliance assurance program that ensures air pollution sources are in compliance with permit conditions and regulatory requirements.**

Once permits are issued, it is important to make sure facilities comply with their provisions. DEQ conducts several types of inspections to ensure regulatory requirements and permit conditions are met. Routine compliance inspections, technical assistance inspections, and complaint response inspections are all performed to promote compliance with applicable requirements (Figure 5).

**Strategies to ensure compliance with air quality permits and regulations:**

- Provide outreach and technical assistance to help facilities comply with permits and regulatory requirements.
- Inspect air pollution sources to verify compliance with permits and regulations, and when necessary, take enforcement actions in a consistent and timely manner.



Figure 5. An EPA Method 5/202 particulate matter sampling train from an emission test observation at Idaho Power's Langley Gulch natural gas-fired combustion turbine near New Plymouth.

### Air Quality Performance Measure

- ✓ In FY2015, conduct 84 inspections of stationary and portable air pollution sources.

**Objective 3. Protect public health from the impacts of smoke.**

Smoke is a very common occurrence in Idaho that causes public health impacts. Smoke comes from many different sources such as woodstoves, crop residue burning, residential burning, burn barrels, prescribed burning, and wildfires (Figure 6). DEQ regulates all open burning in Idaho outside the five tribal reservation boundaries, because open burning emits pollution directly into the air and the environment and is a public health and environmental concern.

DEQ manages smoke in a variety of ways. DEQ implements the smoke management program for crop residue burning; DEQ is a member of the Montana/Idaho Airshed Group, which is a voluntary group of the large prescribed burners in Montana and Idaho. This group implements, with close coordination with DEQ, the smoke management program for prescribed burning conducted by large burners. Smoke from woodstoves is managed through local ordinances.

DEQ coordinates closely with other agencies responsible for smoke management in and around Idaho, such as the

tribes, other states, and local and county agencies. Efforts are continuing to improve coordination with other burn permitting and smoke management entities and expand public outreach.

DEQ continues to implement program improvements, including a more flexible burn decision process, best management practices for burning, and enhanced documentation procedures.

**Strategies for protecting public health from the impacts of smoke:**

- Conduct the smoke management program in an efficient, effective, and transparent manner.
- Ensure the smoke management program addresses all types of prescribed burning.
- Coordinate with other smoke management and fire agencies to address all sources of smoke within and outside DEQ's jurisdiction.

- Educate local communities about health impacts from smoke and ways they can reduce impacts from woodstoves and open burning.
- Make daily burn decisions by considering air quality, meteorology, field conditions, and safety factors.
- Facilitate compliance with open burning rules through training, timely communication, and outreach activities.
- Ensure public access to up-to-date burning information through DEQ's website and other outreach activities.
- Modify the smoke management program as appropriate to accommodate concerns.



Figure 6. Smoke from a prescribed burn at Dworshak Reservoir near Orofino, fall 2013.

### Air Quality Performance Measures

- ✓ In FY2015, develop a smoke management plan that addresses all prescribed burning within Idaho, outside the five Indian reservation boundaries.
- ✓ In FY2015, manage smoke impacts to the public by addressing all types of open burning and coordinating efforts with other smoke management agencies within shared airsheds.

**Objective 4. Work with communities to proactively and voluntarily protect public health from air pollution.**

DEQ uses an “airshed management” approach in working with communities to protect public health from the impacts of air pollution. Airshed management is based on active citizen involvement in a collaborative process for charting the future and the necessary actions to avoid violations of air quality standards.

This approach is based on the following:

- Collection and understanding of good scientific data
- Community involvement in establishing a vision for local air quality and goals for the future
- Community selection and implementation of strategies to address threats to air quality

Vehicle emissions are among the top contributors to ozone air pollution in Idaho airsheds, particularly in urban areas. To address ozone pollution, legislation was passed in 2008 requiring establishment of a vehicle inspection and maintenance program (i.e., emissions testing program) or equivalent strategy in areas of the state that meet specific conditions. Currently, the Treasure Valley airshed is the only airshed in the state that meets these conditions.

DEQ oversees the vehicle emissions testing program in Canyon County and the city of Kuna (in Ada County). When the legislation was passed in 2008, expected ozone precursor emission reduction estimates were developed for Ada and Canyon Counties. Each year, the latest approved model and program data are used to evaluate emission reductions to assess the continued benefits of the emission testing programs in comparison to the initial estimated reductions. The 2012 total Ada County emission reductions were 11% greater and the Canyon County 2012 emission reductions were 49% greater than was initially estimated (Table 1). These results confirm that the two-county testing program is a cost-effective measure for reducing ozone precursors in the Treasure Valley.

**Table 1. Ozone precursor modeled annual reductions.**

Ozone Precursor	2008 Emission Reductions		Calendar Year 2012 Emission Reductions	
	Ada County	Canyon County	Ada County	Canyon County
Volatile organic compounds (tons/year)	293	138	340	223
Nitrogen oxides (tons/year)	275	114	290	153
<b>Total reductions (tons/year)</b>	<b>568</b>	<b>252</b>	<b>630</b>	<b>376</b>

**Strategies for working with communities to prevent violations of NAAQS:**

- Identify areas at risk for exceeding NAAQS by evaluating ambient air monitoring data and using air quality models to predict conditions.
- Develop and implement air pollution control strategies for maintaining or reducing ambient concentrations of air pollutants.
- Evaluate the effectiveness of control strategies to maintain or reduce air pollutants using predictive air quality models.
- Compile comprehensive inventories of pollutant sources and their emissions to use with air quality models and to support airshed management activities.
- Manage the Idaho Vehicle Inspection and Maintenance Program in the Treasure Valley airshed to proactively address ozone and avoid future NAAQS issues (Figure 7).
- Reduce greenhouse gas emissions that contribute to global warming.
- Improve visibility in Federal Class I Areas.



**Figure 7. An inspector conducts a visual inspection of emission control systems during an emissions test.**

### Air Quality Performance Measures

- ✓ **Annually review the results of the Idaho Vehicle Inspection and Maintenance Program in the Treasure Valley airshed to assess its effectiveness in reducing ozone precursors.**
- ✓ **In FY2015, seek funding opportunities and continue to implement a program to replace older inefficient woodstoves with cleaner-burning heating appliances in threatened airsheds. Target airsheds include Pinehurst, Salmon, Franklin County, and the Portneuf Valley.**
- ✓ **In FY2015, complete the Pinehurst/Silver Valley PM<sub>2.5</sub> Nonattainment Area State Implementation Plan and submit to EPA.**

### Emerging Issues and Opportunities in Air Quality

**New ozone standard.** EPA may announce a new, more stringent standard for ozone in 2014. Depending on the new standard, the Treasure Valley may not meet the standard and, as a result, may be designated as a nonattainment area. Tighter standards for various other pollutants are expected to be implemented over the next several years as well.

**PM<sub>2.5</sub> standard revision.** EPA recently tightened the PM<sub>2.5</sub> annual NAAQS. This revision has resulted in Pinehurst being designated nonattainment and will likely result in Salmon not meeting the standard either unless Idaho reduces the amount of woodstove pollutants in communities that use wood fuel and are located in restricted airsheds (mountain valleys). DEQ will need to continue to work with communities and exploit funding opportunities to replace old wood-burning stoves with cleaner heating options.

**Biomass for energy production.** Biomass is any plant material or animal waste used to produce energy. The potential for increased use of biomass, while providing an alternative source of energy, could have a significant impact on local airsheds. The additional emissions of particulate matter from facilities producing energy with biomass could put more areas at risk for impaired air quality, should these facilities materialize. DEQ will need to work closely with communities in permitting these facilities.

**Clean Air Act section 105 federal air quality grant allocation.** EPA is proposing to change the formula for allocating federal §105 Clean Air Act dollars to the regions. As proposed, Region 10 could have its allocation reduced by as much as 40% phased in over the next 8 years (beginning in 2015). This reduction could have a significant impact on Idaho's ability to maintain primacy over certain air programs and may require Idaho to consider the impacts and alternatives to relinquishing some air programs to EPA. DEQ is working closely with other Region 10 states and EPA to minimize or eliminate this potential problem.

### Waste Management and Remediation Goal 1:

Through proper waste and product management, prevent and protect soil and water from contamination resulting from solid and hazardous waste, petroleum products, and mining-related activities.

DEQ is responsible for monitoring and controlling the generation, treatment, storage, and disposal of wastes and regulating the management of petroleum products in underground storage tanks (USTs) in Idaho. When contaminants are released into the environment, DEQ is also responsible for responding to the release and ensuring proper cleanup actions are taken to protect human health and the environment.

Several kinds of wastes and products that DEQ regulates pose risks to human health and the environment, if not handled correctly.

**Solid waste** is a broad term that includes garbage, refuse, sludges, or other discarded material. It also includes discarded liquids and containerized gases. In general, DEQ's solid waste program deals with municipal and nonmunicipal solid waste at transfer stations, certain composting operations, certain petroleum-contaminated soils landfills and landfills. While the term "solid waste" technically includes hazardous and mining waste, DEQ has other specific programs to address these wastes.

**Hazardous wastes** have properties that make the waste dangerous or potentially harmful to human health or the environment (Figure 8). In regulatory terms, a hazardous waste is either a "listed" waste (a waste that appears on one of four federal hazardous waste lists due to its potential inherent dangers) or a waste that exhibits at least one of four characteristics: ignitability, corrosivity, reactivity, or toxicity.

**Mining wastes** are solid or hazardous wastes that are associated with mining operations. Special regulations in Idaho govern surface mining operations and cyanidation facilities.

**Petroleum products** are not wastes. However, leaks from underground and aboveground storage tanks or their associated piping systems can contaminate the environment. To prevent leaks and to minimize the extent of a leak, it is important to ensure that the tanks are properly installed, operated, and inspected.

Overall, DEQ's waste management and remediation activities focus on preventing the release of contaminants to the environment and ensuring cleanup of contamination, once it is identified.

#### **Objective 1. Minimize the threat of releases of hazardous, solid, and mining wastes and petroleum products to the environment.**

DEQ issues permits and other approvals, conducts inspections, and provides training and compliance assistance to facilities that generate, dispose of, treat, or store wastes to ensure that those wastes do not adversely impact the environment or pose a public health risk.

DEQ also manages the state's Underground Storage Tank Program, which is aimed at preventing and detecting leaks of petroleum products and hazardous substances. In FY2012, EPA granted DEQ state program approval to operate the UST Program in lieu of EPA in Idaho. DEQ's UST Program is responsible for conducting operator



Figure 8. Broken lead-acid batteries pose a threat to human health and the environment.

training, inspections, and compliance assistance at Idaho's 1,192 petroleum storage facilities (Figure 9 and Figure 10).

#### **Strategies for minimizing the release of contaminants:**

- Update state regulations as necessary to ensure consistency and compliance with state and federal laws and to address directives from the Board of Environmental Quality.
- Issue siting licenses for new or expanded commercial solid waste landfills or commercial

- facilities that treat, store, or dispose of hazardous waste.
- Issue and enforce permits for hazardous waste facilities, municipal and nonmunicipal solid waste management facilities, and cyanidation mining operations.
- Inspect facilities that manage solid or hazardous waste, store petroleum products or hazardous substances in USTs, or conduct mining operations using cyanide.
- Issue inspection reports and, when necessary, initiate enforcement actions in a consistent and timely manner.
- Ensure that solid waste and hazardous waste facilities meet applicable financial assurance requirements.

- Issue certifications or permits for closure and post-closure of solid waste and hazardous waste facilities.
- Provide site-specific training to owners, operators, and employees on safe and compliant operation of UST systems.
- Provide access to an UST Internet database detailing the status of all regulated petroleum UST systems in Idaho.
- Provide technical and compliance assistance to regulated facilities.



Figure 9. Removal of a 20,000-gallon UST from a site in Homedale.



Figure 10. UST basin after tank removal. USTs were located so close to buildings that shoring had to be installed to protect buildings from collapsing into excavation.

### Waste and Remediation Performance Measures

- ✓ In FY2015, conduct at least 107 inspections of facilities that manage or generate hazardous waste.
- ✓ In FY2015, complete all time-critical or scheduled hazardous waste permits and reviews within established time frames. (This is a benchmark performance measure; see the Performance Accountability section.)
- ✓ In FY2015, complete compliance inspections at approximately one-third of the 1,192 facilities in Idaho with registered petroleum underground storage tank systems. State and federal requirements mandate that all facilities in Idaho be inspected once every 3 years.

## Waste Management and Remediation Goal 2:

Protect human health and the environment through proper waste management, mitigation, and remediation of contaminated areas.

DEQ learns about contaminated land or water from facility inspections, site investigations, complaints, or emergency response activities. Contamination can result from a variety of activities such as improper practices at existing facilities, accidental spills, or leaks from UST systems. DEQ also gathers information about suspected contamination due to abandoned mines, rural airfields that have served as bases for aerial spraying, old landfills, illegal dumps, and abandoned industrial facilities.

DEQ oversees the investigation and remediation of sites that have been or are suspected to have been contaminated by metals, chemicals, petroleum, or other waste products. DEQ also maintains a database inventory of identified contaminated sites. To meet this goal, the Waste Management and Remediation Division has three objectives.

### Objective 1. Assess and remediate contaminated sites.

When environmental contamination is discovered, the site must be assessed to determine what contaminants are present, the concentrations, and the pathways that exist for contaminants to affect human health or the surrounding environment. Once assessed, the risk to the public and the environment is determined, and appropriate cleanup activities are initiated. Contamination is removed or controlled to ensure human health and the environment are protected for current and future land.

#### Strategies for assessing and remediating contaminated sites:

- Assess contaminated sites and determine the threat to human health and the environment using risk-based targets to establish site cleanup goals.
  - Provide ongoing oversight for long-term cleanup sites such as the Burlington Northern Refueling Depot, Broadway Cleaners, Deming, LD McFarland, Joslyn, Univar Boise and Nampa sites, multiple former Western Farm Service sites throughout southern Idaho, and the City of Boise Gowen PCE site.
  - Fund and conduct environmental assessments of “brownfields” sites, which are vacant or underutilized properties where redevelopment or reuse is complicated by actual or perceived environmental contamination. These sites have the unique characteristic of high redevelopment potential and community value (Figure 11 and Figure 12).
  - Assist eligible entities in applying for federal grants to cleanup contaminated brownfields sites.
  - Provide oversight for four Community Reinvestment Pilot Sites (brownfields) in progress.
- This pilot program was funded by the legislature to provide partial reimbursement to 10 private or nonprofit entities for completing DEQ-approved cleanups of pilot brownfields sites. Upon completion of the cleanup, DEQ issues the pilot participant a rebate equal to 70% of the eligible cost, up to a maximum of \$150,000 per pilot site.
- Fund and conduct preliminary assessments/site inspections of inactive or abandoned mining and industrial areas to provide property owners with recommendations for voluntarily managing risks and controlling environmental problems on their property.
  - Work with willing responsible parties to manage or abate risks from contamination through DEQ’s Voluntary Cleanup Program, which was created by the Idaho Land Remediation Act. As an alternative to enforcement action, a party may enter into a voluntary agreement with DEQ to clean up contaminated property to DEQ standards. Once the property is cleaned up, DEQ may provide the party a covenant not to sue.
  - Initiate enforcement action, when necessary, by issuing the responsible party a notice of violation, consistent with the Hazardous Waste Management Act or Environmental Protection and Health Act. After issuing a notice of violation, DEQ will seek to alleviate the existing threat and may pursue penalties for violations of state law, as well as seek cost recovery.
  - Issue an emergency declaration when an imminent and substantial threat to human health or the environment exists and no responsible party can be identified. This declaration allows DEQ to use

emergency response funding to hire remediation specialists to cleanup the site. Emergency response funds are drawn from penalties imposed on responsible parties who have violated the Hazardous Waste Management Act.

- Provide environmental expertise and field support to local first responders for approximately

300 emergency incidents in Idaho involving the potential release of hazardous materials and/or weapons of mass destruction.

- Assist local governments and the public by maintaining and providing access to the Internet database of contaminated sites in Idaho.

### Waste and Remediation Performance Measures

- ✓ In FY2015, conduct training for DEQ staff and environmental consulting firms on new software developed for calculating risk associated with petroleum contamination at sites and training using DEQ's 2012 *Risk Evaluation Manual for Petroleum Releases*.
- ✓ In FY2015, remediate 10 leaking underground storage tank sites for safe reuse.
- ✓ In FY2015, oversee completion of up to 10 brownfields site assessments. (This is a benchmark performance measure; see the Performance Accountability section.)
- ✓ In FY2015, continue oversight of four Community Reinvestment Pilot sites in the Voluntary Cleanup Program and collect economic impact data on sites that receive state rebates.



Figure 11. Former Goodman Oil building—a brownfields site—in Grand View. Flagged stakes represent geoprobe soil boring locations. A geoprobe is a hydraulically powered soil probing machine that drives steel boring rods into the ground to the desired depth. The rods contain plastic tubes that collect soil samples for analysis.



Figure 12. Monitoring well installation by geoprobe drill rig at a brownfields site inside the former Idaho Linen Building in Boise.

**Objective 2. Complete risk assessments and determine necessary action to prevent and control the release of past mining and other industrial and landfill contamination to the environment.**

More than 8,500 inactive and abandoned mines, mineral locations, and mineral discoveries are located in Idaho, in addition to multiple abandoned or repurposed industrial facilities such as landfills, waste disposal areas, dry cleaners, rural airfields, railroad depots, and various other manufacturers (Figure 13). DEQ offers assistance to private owners of these properties to help evaluate and manage human health and ecological risks on their properties.

With property owner permission, DEQ assesses private or local government-owned sites as part of the Preliminary Assessment Program. The DEQ State Office works with the regional offices to identify candidate sites for assessment. Due to accessibility and funding considerations, priority is given to sites with high potential for human health and ecological impacts and high potential for future development and reuse.

Preliminary assessments can result in three potential conclusions:

- 1) Request for additional information to fully understand site conditions and extent of contamination
- 2) Recommendations for voluntary site remediation or use of other cleanup or clean water authorities
- 3) Determination that no further action is necessary

**Strategies to prevent and control contamination from mining:**

- Work with state and federal land management agencies to identify, assess, and prioritize potentially contaminated mine sites and with property owners to determine remediation options.

- Evaluate potential impacts of new mine sites to soil, ground water, and surface water resources and collaborate with federal agencies in developing best management practices as new mines are permitted.

**Strategies to prevent and control contamination from industrial sites:**

- Work with DEQ regional offices to identify, assess, and prioritize potentially contaminated industrial sites and with property owners to determine remediation options. Sites will be prioritized based on DEQ criteria for siting rationales for industrial sites.



Figure 13. DEQ's Preliminary Assessment Program evaluates and prioritizes assessment of potentially contaminated sites such as abandoned mines, rural airfields that have served as bases for aerial spraying, old landfills, illegal dumps, and abandoned industrial facilities.

**Waste and Remediation Performance Measure**

- ✓ In FY2015, work with landowners to complete problem assessments and implement measures that will result in 5 inactive or abandoned mining and 5 industrial/landfill sites receiving no-further-action determinations or being carried forward to a remediation process. The targeted number of sites is dependent on funding from EPA.

**Objective 3. Implement major long-term cleanup actions for historic releases of mining-related contamination to the environment.**

DEQ is working with EPA and other federal, state, tribal, and local agencies and stakeholders to implement two major mining cleanup projects. These projects are at opposite ends of the state—one in the phosphate mining area of southeast Idaho and the other in the Silver Valley of the Idaho Panhandle.

**Selenium Contamination in Southeast Idaho.** The Pocatello Regional Office is working to remediate historic phosphate mine sites. DEQ is making progress in conducting assessments and cleanup of sites that are under state leadership and continues to support work on federal lead cleanup sites. As a cooperating agency, DEQ is also proactively engaged in permitting new mine sites. In all, DEQ is involved in nearly 27 selenium-related remediation sites in southeast Idaho and 7 permitting projects.

One historic phosphate mine site under DEQ lead is the Conda/Woodall Mountain Mine. Conda, one of the oldest and largest mines in eastern Idaho, produced phosphate ore under various mine operators from 1906 through 1984. During open-pit mining, overburden (waste rock) was removed from the mine pits and placed in overburden disposal areas (ODAs).

The remedial investigation/feasibility study (RI/FS) began in 2008. The investigation is complete for most parts of the mine and a draft final RI report is currently under review. A draft baseline risk assessment will be submitted in early 2015, and a draft FS evaluating cleanup alternatives will be submitted in 2017. A supplemental ground water investigation in one part of the mine will be conducted in 2014 and 2015, with the results incorporated into a final RI report and final risk assessment in 2016. Cleanup actions taken in 2013 are summarized in Figure 14 and Figure 15.



Figure 14. Before photo of the Pedro Creek Overburden Disposal Area (ODA).

The Pedro Creek ODA consists of several million cubic yards of dumped overburden materials in the upper reaches of the Pedro Creek drainage. The ODA consisted of 32 relatively flat acres bordered on the east by 28 acres of very steep side slopes (Figure 14). Cleanup action was needed because the steep side slopes were unstable and subject to slumping. Also, rain and snowmelt pooling on, and infiltrating through, the ODA contaminated Pedro Creek and shallow ground water with high levels of selenium and other contaminants that currently exceed state water quality standards.

The final removal action for the Pedro Creek ODA was conducted to recontour and stabilize the dump, capture stormwater, and limit water infiltration in order to significantly reduce contamination found in Pedro Creek (Figure 15). The site will be monitored over the next several years to evaluate the action’s effectiveness.



Figure 15. Work completed in 2013 for the Pedro Creek ODA.

**Metals Contamination in the Coeur d'Alene Basin.** In 1983, EPA listed the Bunker Hill Mining and Metallurgical Complex as a Superfund site. This listing was in large part due to high levels of metals (including lead, arsenic, cadmium, and zinc) in the local environment and elevated blood lead levels in children.

DEQ works with the Basin Environmental Improvement Project Commission (BEIPC) and its member agencies, including EPA, to plan and oversee implementation of the cleanup for the Coeur d'Alene Basin (Figure 16).

Cleanup of residential and commercial properties to address human health exposures has been the primary focus of work to date. This work has been largely completed and is winding down. For example, the average number of properties remediated has been about 300 per year. In the 2014 construction season, plans are to remediate 100 properties. This number is expected to decline over the next few years until the current large-scale program is no longer cost effective. At that time, remediation of remaining properties will be turned over to the Coeur d'Alene Work Trust, which was created as a result of the ASARCO bankruptcy settlement.

Several side drainage flood control projects were completed in the 2013 construction season. This work will continue in the next few years to provide long-term protection of the human health remedy.

DEQ has also worked to protect human health by administering the Paved Roads Remediation Program for the site (Figure 17). This program is needed to

restore paved roads so they are effective barriers to underlying contamination. Paved roads at the site are in poor condition in part due to heavy truck traffic caused by the remediation. This program functions like a grant program where DEQ provides funding to local road jurisdictions to implement projects on eligible roads. The paved roads work could continue for up to 10 years. One of the reasons for the longer implementation period is that communities are working to obtain other grants to install other infrastructure as part of the paved roads work. This approach is cost-effective and has significant environmental and community benefits.

DEQ will continue to partner with the Panhandle Health District by funding the Institutional Controls Program (ICP). The ICP is a locally controlled free permitting system that ensures clean barriers are maintained and installed after excavation activities. These two agencies also partner to implement health intervention and education to reduce human exposures to lead.

DEQ will continue to work with EPA to improve water quality in the South Fork Coeur d'Alene River through various remedial actions including water collection and treatment and mine waste remediation sites at Bunker Hill.

Natural resource restoration is a part of the Superfund process. As part of the Bunker Hill cleanup, the Restoration Partnership has been established. The partnership is made up of the Coeur d'Alene Tribe, the US Department of Interior, the US Department of Agriculture, and the State of Idaho, represented by DEQ and the Idaho Department of Fish and Game. The partnership is working on its long-term plans based on public and agency input.

**Strategies for long-term mining cleanups:**

- Work with industry and state, federal, and tribal agencies to conduct site-specific assessments, interim actions, and remediation activities to address selenium contamination resulting from phosphate mining in southeast Idaho.
- Implement projects to protect and preserve existing remedial efforts and address water quality through source control and other strategies (Figure 18).
- Continue to plan and implement natural resource restoration projects in the Coeur d'Alene Basin as a member of the Restoration Partnership.
- Site and design repositories to isolate contaminated materials so they are not released into the environment.
- Support the Basin Environmental Improvement Project Commission with its task of addressing heavy metal contamination in the Coeur d'Alene Basin.



Figure 16. DEQ employees Glen Petit and Denna Grangaard at an educational booth about human health and soil and water quality in the Coeur d'Alene River basin at the North Idaho Fair and Rodeo. Led by the DEQ Kellogg office, this cooperative effort involves the BEIPC, EPA, Coeur d'Alene Tribe, and Panhandle Health District and reaches 2,000 people annually.

### Waste and Remediation Performance Measures

- ✓ In FY2015, meet all milestones, deliverables, and deadlines for state-led phosphate mine remediation activities, consistent with agreements in place to permit, assess, and remediate selenium contamination in southeast Idaho.
- ✓ During the 2014 construction season, remediate 100 metals-contaminated individual properties in the Coeur d'Alene Basin, achieving remediation of a total of over 3,800 properties by the end of the construction season.



Figure 17. Paved Roads Remediation Program project in Osburn, Idaho.



Figure 18. Remediation work at Bunker Hill creating a storm drain channel to help manage contaminant migration.

#### **Objective 4. Complete CERCLA (Superfund) regulatory actions at the Idaho National Laboratory.**

Under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Tri-Agency (DEQ-EPA-US Department of Energy [DOE]) Federal Facilities Agreement and Consent Order (FFA/CO), the DEQ Waste Management and Remediation Division evaluates the following:

- The effectiveness and regulatory compliance of records of decision and non-time-critical removal actions
- Completed and on-going remediation activities directed toward historic releases of radionuclides and hazardous substances to soil and the Eastern Snake River Plain aquifer
- The deactivation and decommissioning of facilities no longer supporting Idaho National Laboratory (INL) mission activities

At the INL, DEQ performs various tasks:

- Monitors and evaluates the effectiveness of completed and on-going CERCLA remediation

activities involving retrieval of previously buried waste, contaminated soils, and treatment of specific zones of the Eastern Snake River Plain aquifer

- Investigates, proposes, and implements remedial action as applicable for newly discovered releases of hazardous substances and radionuclides upon the environment
- Provides for state oversight, in perpetuity, of institutional controls and stewardship of CERCLA waste disposal areas and other sites contaminated with radionuclides and hazardous substances

#### **Strategies for reviewing and evaluating FFA/CO compliance:**

- Review site-specific institutional controls to ensure limits for human exposure are not exceeded.

- Review and approve plans and proposals to deactivate and decommission surplus facilities, and ensure that residual contamination and/or waste is documented and properly addressed or disposed.
- Review ground water and soil monitoring data to evaluate compliance with remediation goals.
- Review monthly data reports on buried waste retrieval to ensure specified areas, volume, waste type, and efficiencies are being met.

### Waste and Remediation Performance Measure

- ✓ In FY2015, inspect three major active CERCLA activities at the INL: Radioactive Waste Management Complex (RWMC) buried waste retrieval at Waste Area Group 7-13/14 (Figure 19); Idaho Nuclear Technology and Engineering Center (INTEC) anthropogenic and natural precipitation infiltration control system at Waste Area Group 3-14; and the Idaho CERCLA Disposal Facility (ICDF) landfill operations at Waste Area Group 3-13.



Figure 19. Radioactive Waste Management Complex looking south. (Photo courtesy CH2M-WG Idaho, LLC.)

### Emerging Issue and Opportunity in Waste Management and Remediation

**Waste-to-energy proposals.** Several waste-to-energy (WTE) facilities have been proposed or are in the planning stages in Idaho using various types of solid waste. Several different technologies are employed to process solid waste to generate electricity, generate methane that can be burned to generate electricity, or undergo further processing to be used as a fuel source. Some of these technologies are new and have yet to be evaluated for environmental impacts. Though supportive of WTE concepts, DEQ will need to ensure that emissions, odor control, feedstock handling, and byproduct waste disposal are done in environmentally protective ways.

**Idaho National Laboratory Oversight Goal:**  
Protect public health and the environment at and around  
the Idaho National Laboratory.

DEQ's INL Oversight Program independently evaluates the effectiveness of the INL's environmental and public health protection programs. The INL Oversight Program conducts environmental monitoring on and around the INL and participates in emergency preparedness, planning, and response to radiological incidents. DEQ has two objectives to meet this goal.

**Objective 1. Monitor environmental conditions on and around the INL, compare the results to those generated by United States Department of Energy contractors and to applicable regulations, and keep the public informed.**

DEQ maintains an environmental monitoring program around the INL to verify and supplement monitoring activities carried out by the United States Department of Energy (DOE). DEQ has developed a database of monitoring results covering more than 20 years. This information allows DEQ to better understand background radiation as well as water quality and identify any changes potentially related to INL operations.

Environmental monitoring data are analyzed and summarized annually to identify trends. Detailed data reports are prepared and released quarterly.

**Strategies for INL monitoring activities and reporting:**

- Operate 10 continuous air monitoring stations and 12 real-time radiation monitoring stations (Figure 20 and Figure 21). Real-time monitoring data are available at [www.deq.idaho.gov/inl/oversight/monitoring.aspx](http://www.deq.idaho.gov/inl/oversight/monitoring.aspx).
- Collect samples and analyze the data from 105 ground water sampling locations, including locations south (downgradient) of the INL (Figure 22).
- Analyze ground water data obtained from wells drilled by the United States Geological Survey and DOE.
- Analyze sample results from three wastewater sites.
- Collect milk samples from dairy animals to detect the presence or absence of atmospheric radioiodine deposited in the terrestrial environment.
- Conduct soil sampling and analyze the data to evaluate the long-term deposition and migration of contaminants in the environment.
- Ensure the public is informed of how activities at

the INL affect public health and the environment through quarterly and annual monitoring reports published on the DEQ website.



Figure 20. Community monitoring station.



Figure 21. Radiological monitoring station.

**INL Oversight Performance Measure**

- ✓ In FY2015, ensure continuous air monitoring stations and real-time radiation monitoring stations are operational at least 97% of the time. (This is a benchmark performance measure; see the Performance Accountability section.)



Figure 22. Sampling irrigation well downgradient of INL.

**Objective 2. Maintain independent capability for radiological emergency response/consequence assessment modeling.**

DEQ's INL Oversight Program provides support to state and local entities for emergencies involving radioactive materials. DEQ personnel will respond to incidents with potential radiological consequences. Emergency preparedness functions include training first responders and other potentially affected organizations in basic radiation principles, instrumentation use, precautions, and preparedness. DEQ also provides radiation detection instrumentation to first responders and maintains instrument calibration.

**Strategies for radiological emergency response and preparedness:**

- DEQ will participate in emergency preparedness meetings and emergency exercises and drills conducted by regional and local entities as well as those conducted by DOE contractors.
- DEQ maintains consequence assessment modeling software that may be used for planning

or during actual emergencies. DEQ has access to the same software as DOE contractor emergency response organizations but maintains capabilities with alternative software to provide additional tools for emergency planning or response. Currently, DEQ is investigating use of Radiological Assessment System for Consequence Analysis (RASCAL), a well-supported, widely used Nuclear Regulatory Commission code, as an alternative to the codes used by INL. RASCAL may replace the Air Pollutant Graphical Environmental Modeling System (APGEMS) code.

- DEQ supports hospitals that could receive radiologically contaminated patients from the INL site. DEQ provides training applicable to hospital staff and participates in drills and exercises.

**INL Oversight Performance Measure**

- ✓ In FY2015, complete adaptation of RASCAL to use National Oceanic and Atmospheric Administration MesoNet meteorological data. Compare RASCAL modeling products to those produced by other INL emergency response codes, particularly HySplit. Document the implementation of RASCAL and introduce the code to all of DEQ's health physicists.

## Water Quality Goal 1: Maintain and improve surface and ground water quality in Idaho.

Two primary state statutes direct DEQ's overall efforts to maintain and improve surface and ground water quality. Under Idaho Code 39-3601 through 3623, DEQ works with six basin advisory groups (BAGs) across the state for advice on surface water quality protection. BAGs provide input on water quality improvement plans (known as total maximum daily loads [TMDLs]), monitoring priorities, designation of beneficial uses, and the biennial report to EPA on state water quality (Integrated Report). In addition, they review and prioritize water quality improvement projects that address nonpoint source pollution impacts on surface and ground water. Idaho Code requires DEQ to form and work with individual watershed advisory groups (WAGs) to develop and implement specific TMDLs.

Idaho Code 39-120 through 127 designates DEQ as the primary state agency to coordinate and administer ground water quality protection programs. Rules have been promulgated under this statute to ensure DEQ maintains and protects the existing high quality of the state's ground water and the existing and projected future beneficial uses of ground water and interconnected surface water. DEQ also works more informally with lake protection associations and ground water protection groups who share a common interest in protecting the quality of state water resources and public health.

Finally, DEQ has delegated authorities under Section 401 of the federal Clean Water Act to issue water quality certifications for federal agency permits. These certifications include provisions that must be met to ensure compliance of wastewater discharge permits (known as National Pollutant Discharge Elimination System [NPDES] permits), dredge and fill permits (covered under the Clean Water Act Section 404), and hydropower license permits (granted by the Federal Energy Regulatory Commission [FERC]) with state water quality standards. In 2014, revisions were made to Idaho Code 39-172 that directed DEQ to develop an application to EPA for NPDES program primacy. To meet the goal of protecting and improving the quality of surface and ground water in Idaho, the Water Quality Division has four objectives.

### ***Objective 1. Monitor and assess water quality conditions to determine compliance with standards and support of beneficial uses.***

In cooperation with other state and federal agencies, DEQ conducts monitoring for surface water and ground water trends, reconnaissance, special projects, and priority areas to assess conditions, prepare reports, and update standards.

Surface water trend monitoring is a core DEQ responsibility and key to understanding water quality conditions in the state. In FY2015–2018, DEQ will use state-funded support for surface water quality monitoring under the Beneficial Use Reconnaissance Program (BURP). Federal funds will enable DEQ to conduct randomized sampling of rivers and streams in summers 2014 and 2015. DEQ's overall responsibility for protecting surface water quality will be met in FY2015.

#### **Strategies for determining compliance with water quality standards and support of beneficial uses:**

- Collaborate with other agencies to implement ground water quality monitoring networks in nitrate priority areas to evaluate trends and the

effectiveness of ground water quality improvement plans.

- Conduct appropriate follow-up monitoring when chemicals are detected at levels of concern through the Idaho Department of Water Resources Statewide Ambient Ground Water Quality Monitoring Network, Idaho State Department of Agriculture dairy monitoring, or other monitoring programs.
- Collaborate with other state agencies to characterize ground water quality in areas where oil and gas exploration and production are occurring.
- Prepare annual ground water quality monitoring summary reports that compile, analyze, and interpret ground water quality monitoring results.
- Provide ground water quality monitoring data to the public through web-based applications.
- Every 5 years, evaluate ground water data for trends in nitrate concentrations and update the nitrate priority areas. In FY2015, release the

- nitrate priority area ranking update for the 2007–2011 5-year period.
- Include monitoring and reporting requirements in all recycled water reuse permits to ensure surface and ground water quality are protected.
- Collect and evaluate information from contractors and subgrantees in implementing nonpoint source projects to determine progress in reducing water quality impacts from agriculture, forest practices, mining, urban development, and other activities.
- Conduct site evaluations of active and legacy projects to assess the effectiveness of ongoing project maintenance. Each year, target one BURP monitoring activity in each DEQ region in an assessment unit where a nonpoint source project has been conducted.
- Conduct assessments of BURP monitoring data.
- Compile, analyze, and interpret surface water quality data and maintain DEQ's Assessment Database.
- Submit final 2014 biennial Integrated Report to EPA as required under federal Clean Water Act

sections 305(b) and 303(d). Begin process for 2016 Integrated Report.

- Collect surface water quality data (biological, chemical, and physical) as part of TMDL subbasin assessments or specific surface water quality investigations to determine compliance with state surface water quality standards (Figure 23).



Figure 23. DEQ staff conducting a streambank erosion inventory on the Little Wood River.

### Water Quality Performance Measures

- ✓ In FY2015, complete annual ground water quality monitoring summary report for calendar year 2013.
- ✓ In FY2015, release the revised nitrate priority area rankings based on data collected during 2007–2011.
- ✓ In FY2015, conduct water quality monitoring in 240 wadeable streams following BURP protocols.
- ✓ In FY2015, analyze surface water quality data, and submit the final 2014 Integrated Report to EPA. Begin process for 2016 Integrated Report.

#### Objective 2. Complete reviews, guidance, and plans for improving and maintaining water quality.

DEQ performs a variety of functions designed to improve and maintain surface and ground water quality. We develop technical guidance to help consultants, businesses, permittees, and citizens comply with environmental requirements. We also review and evaluate environmental analyses to ensure proposed activities will comply with applicable requirements.

DEQ completes several types of statewide and local water quality plans designed to improve and protect water quality. Examples include the statewide Nonpoint Source (NPS) Management Plan, ground water quality improvement plans for nitrate priority areas, and TMDLs for impaired surface waters. The environmental reviews and guidance are designed to prevent impacts to water quality, while the various plans address how to improve and maintain water quality.

#### Strategies for improving and maintaining water quality:

- Work with other state and federal partners to rewrite the NPS Management Plan's memoranda of understanding to protect water quality from the impacts of nonpoint source activities.
- Work with local stakeholders to continue to develop and implement ground water quality improvement plans in nitrate priority areas.
- Help mining operations to characterize hydrogeologic conditions and background ground water quality prior to initiating mining activities.
- Develop guidance and policies to facilitate implementation of the Idaho "Ground Water Quality Rule" (IDAPA 58.01.11) in a consistent manner on a statewide basis.

- Work with WAGs to complete assessment unit/pollutant combination TMDLs that remain under the 2002 TMDL settlement agreement and submit to EPA for approval.
- Work with WAGs to complete TMDL reviews at 5-year intervals.
- Work with WAGs to complete TMDLs (by assessment unit and pollutant) for impaired water bodies identified in the current Integrated Report (currently 2010), updated on a 2-year cycle and submitted to EPA for approval. (See discussion of external factors below.)
- Work with the stakeholder committee to update the guidance for recycled water for use by DEQ staff, the public, and permittees and their consultants.
- Use the DEQ guidance for recycled water and compliance assistance as outreach tools for working with customers to improve design, testing, operator training, and other wastewater-related activities and assist customers in complying with requirements.
- Provide guidance to consultants for completing evaluations of nutrient-pathogen impacts on water quality from subsurface sewage disposal systems.
- Review nutrient-pathogen evaluations written by consultants to ensure proposed developments meet applicable water quality standards.

### Water Quality Performance Measures

- ✓ In FY2015, work with stakeholders to cooperatively update the NPS Management Plan's memoranda of understanding.
- ✓ In FY2015, work with local stakeholders to implement ground water quality improvement plans for nitrate priority areas.
- ✓ In FY2015, complete 234 assessment unit/pollutant combination TMDLs and submit to EPA for approval. (This is a benchmark performance measure; see the Performance Accountability section.)
- ✓ In FY2015, complete 6 TMDL 5-year reviews.

**External factors affecting performance success.** The 2002 TMDL settlement agreement has driven DEQ to set priorities for completing TMDL work required under state statute. The priorities are (1) complete 2002 settlement agreement TMDLs, (2) complete TMDL 5-year reviews, and (3) complete TMDLs for newly listed water bodies in the current Integrated Report (2010, updated every 2 years).

#### **Objective 3. Implement pollution reduction actions needed to meet water quality standards and support beneficial uses.**

DEQ implements pollution reduction actions in many ways, including permitting, water quality certifications of other agency permits, wastewater facility inspections, engineering reviews of wastewater systems, funding for nonpoint source pollution reduction grants (Figure 24), and wastewater facility improvement grants and loans.

Appropriate design and engineering can prevent pollution. Permit and certification conditions are included to limit pollutants to levels that meet applicable water quality standards. Facility inspections ensure compliance with permit requirements and can trigger corrective action, if necessary. Finally, grant and loan funding provides direct support for implementing pollution reduction actions.



Figure 24. Rock bars are set on an angle pointing upstream to divert water from eroding shorelines.

**Strategies for reducing surface and ground water pollution:**

- Provide technical and regulatory assistance to local governments to help them protect ground water quality in accordance with their statutory responsibilities.
- Provide implementation support to communities as identified in completed ground water quality improvement plans.
- Promote reuse of treated wastewater, thereby eliminating surface water discharges and making good use of recycled wastewater (Figure 25).
- Complete annual recycled water reuse facility inspections and report reviews to ensure compliance with permit requirements and optimize treatment efficiencies and energy costs.
- Under agreement with EPA, inspect facilities with NPDES permits and review monthly discharge monitoring reports to determine compliance with permit requirements.
- Issue water quality certifications (Clean Water Act Section 401) for FERC hydropower permits, US Army Corps of Engineers dredge and fill permits (Clean Water Act Section 404), and EPA NPDES permits for wastewater discharges.
- Include performance measures, mitigation steps, and enhancement plans in certification conditions for FERC license applications to offset or correct short-term water quality impacts.
- Review and approve mitigation and enhancement implementation plans for compliance with Section 401 certification and FERC license requirements.
- Work with border states and EPA Regions 8, 9, and 10 to address interstate water quality projects such as TMDLs, NPDES permits, and FERC relicensures.
- Promote pollutant trading as a cost-effective tool to implement pollutant reduction in watersheds with approved TMDLs. Develop regional pollutant trading guidance through a collaborative process with Oregon, Washington, and the Willamette Partnership.
- Work with the various permitting agencies in developing an administrative record for water quality certifications documenting compliance with state water quality standards.
- Implement the Coeur d'Alene Lake Management Plan to control metals in lake bottom sediments in coordination with the Coeur d'Alene Tribe, three counties, and other watershed partners.
- Provide loan fee-funded grant assistance to eligible communities to complete the planning phase of wastewater treatment system projects to protect public health and reduce water pollution impacts.
- Provide loan assistance (Clean Water State Revolving Fund [SRF] loans) to eligible communities to design and construct wastewater treatment systems that protect public health and reduce water pollution.
- Provide federal grant funding and technical oversight for projects that reduce nonpoint source pollutants (Figure 26).
- Complete reviews of wastewater engineering plans and specifications within 42 days, as required by statute, to ensure designs meet rule requirements, protect public health, and protect surface and ground waters from contamination.
- Provide technical information, guidance, and training on various wastewater issues of interest such as microconstituents, specific reuse topics, lagoon seepage, and handling of biosolids and septage.



Figure 25. The tenth annual Water Reuse Conference, May 2014. Conference attendance was at an all-time high with over 300 attendees from cities, businesses, and government entities from across the nation. This DEQ-sponsored conference enables water and wastewater operators, engineers, public works directors, elected officials, consultants, developers, attorneys, environmental advocates, and other professionals to continue their education, network, and discuss key issues related to water reuse in Idaho and the West. For more information, visit <http://www.deq.idaho.gov/2014-water-reuse-conference>.

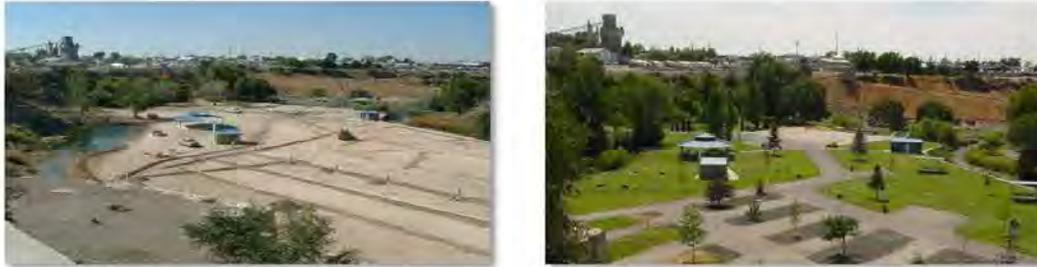


Figure 26. This project addressed nonpoint source water quality problems on Rock Creek. The picture on the left was taken in 2002 and the picture on the right in 2013. The cleanup work removed residual material from an abandoned concrete plant and unpermitted landfill waste that was a source of pollutants to Rock Creek. The project area now collects stormwater runoff and routes it to a settling pond for treatment. Grass was planted to filter out sediment and other pollutants. The land adjacent to the settling pond was converted to a park with recreational vehicle parking and hookups to accommodate overnight camping. A hiking trail was created that extends several miles upstream from the camping area.

### Water Quality Performance Measures

- ✓ In FY2015, obligate 100% of available wastewater and nonpoint source grant and loan funds.
- ✓ In FY2015, complete reviews of engineering plans and specifications for wastewater systems within the statutory deadline of 42 days. (This is a benchmark performance measure; see the Performance Accountability section.)
- ✓ In FY2015, issue 20 permits for recycled water reuse facilities.
- ✓ In FY2015, complete 60 annual report reviews for permitted recycled water reuse facilities.
- ✓ In FY2015, complete 50 inspections of permitted recycled water reuse facilities (Figure 27; Figure 28).
- ✓ In FY2015, complete 50 inspections of NPDES-permitted facilities, under agreement with EPA.



Figure 27. Secondary clarifier at the City of Meridian's water reuse facility. The clarifier helps treat the wastewater by allowing solids to settle out and any residual fats and greases to rise and be skimmed off the top. The treated and clarified water can then be filtered and disinfected before reuse.



Figure 28. Reclaimed water signage at Heroes Park in Meridian.

#### **Objective 4. Develop the Idaho Pollutant Discharge Elimination System program.**

Idaho is one of only four states that does not administer the National Pollutant Discharge Elimination System (NPDES). EPA Region 10 issues NPDES permits to Idaho facilities that discharge treated wastewater into waters of the state. However, in 2014, revisions were made to Idaho Code 39-172 that directed DEQ to develop an NPDES primacy application. The state program will be called the Idaho Pollutant Discharge Elimination System (IPDES). The steps below describe the process of receiving primacy in the NPDES permitting program from EPA. Additional staffing resources were provided to develop the primacy application.

First and foremost is developing a funding strategy. The current estimated level of effort for full program implementation is 25 full-time equivalents (FTEs) and \$2.5 million. The funding strategy may be a combination of annual user fees paid by the permit holders; state general funds (ongoing funding for 3 FTEs was provided in FY2015); and federal Clean Water Act grant funds (surface water section 106 grant funds). State general fund support will be needed to frontload the NPDES program. To receive primacy delegation, a state must demonstrate the capability of delivering the NPDES program, which means that Idaho must have hired and trained the staff so it is capable of program delivery. Areas of expertise needed for program implementation include program administration, permit preparation, permit enforcement, data management, fiscal office support, and attorney general office support. Determining the level of long-term state general fund and federal grant support will be critical to discussing and determining the annual user fees paid by permittees.

Some level of NPDES program support comes from the surface water 106 grant. This level of support is for conducting 50 NPDES inspections and 10 complaint follow-ups. DEQ does not anticipate additional section 106 grant funds becoming available for IPDES program implementation. The congressional appropriation for the grant fund would need to increase in order for DEQ to get additional federal support for the program.

The second step is preparing and developing IPDES rules for Idaho. The rules must not be more stringent than EPA, but to receive primacy, Idaho's rules may not be less stringent than EPA. This rulemaking will address areas where states have program flexibility, such as the permitting process steps. The rulemaking will also incorporate by reference or recite EPA NPDES rules.

The negotiated rulemaking committee will provide advice to DEQ on this distinction.

The third step is to prepare guidance documents for determining water quality based effluent limits (WQBELs), reasonable potential-to-exceed (RPTE) determinations, mixing zones, and other program implementation documents not included in rules.

The fourth step is revising existing Idaho Code statutes to address confidential business information; the conflict in Clean Water Act requirements for hearing administrative appeals for IPDES permits and the current appeal structure with the Board of Environmental Quality; concentrated animal feeding operation environmental control acts (if necessary); program authorization; and the direction for DEQ to sign a memorandum of agreement (MOA) with EPA on NPDES program delegation.

The fifth step is building program capacity through hiring and training staff. DEQ must show the capability of delivering the IPDES program in order for EPA to delegate its NPDES program to Idaho. This will require Idaho to frontload the IPDES staffing with state general funds as the existing legislation prevents DEQ from assessing an IPDES program fee until the program has been delegated to Idaho. The projected staffing needs are 25 FTEs, composed of permit writers, compliance assistance staff, and staff for rule and guidance development, data management, administrative support, attorney general support, and program management.

The sixth step is developing and negotiating the MOA with EPA on NPDES program delegation. IPDES program approval from EPA has been estimated to take between 12 and 24 months.

The seventh step is a 4-year sector-specific IPDES program phase in.

#### **Strategies for developing the IPDES program:**

- Submit primacy application by September 1, 2016.
- Begin rulemaking in 2014 for adoption by DEQ board in 2015 and presentation to the legislature during the 2016 session.
- Make statute revisions in 2015 or 2016 legislative session.
- Follow the state of Alaska's approach to NPDES program delegation to assist in

developing the EPA-DEQ MOA. The MOA will be drafted as part of the IPDES primacy application and negotiated with EPA during its NPDES program delegation deliberations, September 2016 to 2017.

- Phase in program over 4 years. It is anticipated

that in 2018 or 2019, the IPDES phase-in will start with the municipal permits and then progress annually through the industrial permits, the general permits, and conclude with the stormwater and biosolids components.

### Water Quality Performance Measures

- ✓ In FY2015, hire 3 FTEs: the IPDES program manager, the IPDES permit manager, and the IPDES rule/guidance program manager.
- ✓ In summer 2015, complete funding strategy for placement into IPDES rules.

### Water Quality Goal 2:

Protect human health through the delivery of safe and reliable drinking water from public water systems.

DEQ recognizes that economic health and public health are closely related. Economically viable and sustainable communities and the health and well-being of Idaho citizens depend on safe and reliable sources of drinking water. To meet this goal, the Water Quality Division has three objectives.

#### **Objective 1. Ensure customers served by regulated public water systems are receiving safe and reliable drinking water.**

DEQ provides technical assistance, training, and support to owners of public water systems so they are able to produce and deliver safe and reliable drinking water. This objective is accomplished by ensuring that public water systems are located, designed, constructed, operated, maintained, and protected to reliably meet health-based drinking water standards (Figure 29).



Figure 29. City of Chubbuck water storage tanks.

#### **Strategies to ensure safe and reliable drinking water:**

- Provide technical assistance and training to owners and operators of public water systems to help them comply with drinking water quality standards.
- Respond immediately to all acute contamination events at public water systems and assist with timely diagnosis and resolution of the problem.
- Assist owners of public water systems in preventing waterborne disease outbreaks by requiring compliance with health-based standards and the “Idaho Rules for Public Drinking Water Systems” (IDAPA 58.01.08).
- Provide the public and public water system operators with real-time access to information on the quality of their drinking water, monitoring requirements and schedules, and other regulatory requirements through the web-based Public Water System Switchboard ([www.deq.idaho.gov/pws-switchboard](http://www.deq.idaho.gov/pws-switchboard)).
- Encourage mutual assistance between operators of water utilities and provide opportunities by hosting and maintaining the Operator Search Tool webpage for finding operators for water and

- wastewater systems. Serve on the Idaho Water Area Response Network Executive Committee to promote assistance agreements between water systems.
- Complete engineering plan and specification reviews of public drinking water systems within the 42 days required by statute to ensure systems are properly located, designed, and constructed.
- Conduct comprehensive sanitary survey inspections at public water systems to ensure they are properly maintained and operated.
- Provide timely response to violations and require compliance with health-based standards and rules through enforcement action, after exhausting technical assistance and educational opportunities.

### Water Quality Performance Measures

- ✓ In FY2015, aggressively seek to obligate drinking water grant and loan funds.
- ✓ In FY2015, complete engineering plan and specification reviews of drinking water systems within the statutory deadline of 42 days. (This is a benchmark performance measure; see the Performance Accountability section.)
- ✓ In FY2015, work with owners of community water systems to ensure that 95% of the “person months” (i.e., all persons served multiplied by 12 months) during which community water systems provide drinking water meet all health-based standards (see discussion of external factors below). (This is a benchmark performance measure; see the Performance Accountability section.)

**External factors affecting performance success.** EPA promulgated the Revised Total Coliform Rule, which will become effective April 1, 2016. Idaho’s public water systems will need to comply with these new requirements at that time, and it will likely result in a short-term reduction in compliance rates as systems adjust to the new requirements.

**Objective 2. Assist public water system owners in protecting their drinking water sources from contamination.**

Communities depend on clean drinking water supplies to ensure public health, economic development, sound financing, and the quality of life of residents. Source water protection is focused on preventing contamination of the aquifers and surface water bodies that are the source of public drinking water supplies.

Keeping contaminants from entering a public water system can benefit a community by reducing the risk to public health, saving on monitoring costs, and preventing the need for additional water treatment.

**Strategies for protecting drinking water sources:**

- Work with local governments to protect drinking water sources by providing technical assistance and examples of successful source water

protection tools such as ordinances, overlay zones, riparian buffers, and land use planning.



**Figure 30.** DEQ attends outreach events—this one at the Boise WaterShed during Water Awareness Week—and conducts youth activities such as the Incredible Edible Aquifer, which illustrates the geologic formation of an aquifer, how pollution can get into ground water, and how this pollution can end up in drinking water wells.

- Conduct education and outreach activities to inform public water systems, local governments, and the public on source water protection through training workshops and distributing educational materials at public events such as health fairs (Figure 30).

• Lead the Idaho Source Water Protection Collaborative to foster a collaborative approach (among various agencies and entities) to source water protection and to provide a clearinghouse website for source water protection information.

- Work with owners of public water systems and local governments to develop regional aquifer and

watershed protection plans that include protections for drinking water sources and to recertify existing source water protection plans.

- Complete source water assessments on new drinking water sources and update existing sources with new information. Assist communities in

using the information to develop and implement drinking water source protection strategies.

- Provide source water assessment reports to the public through web-based applications.
- Develop web-based tools to facilitate implementation of source water protection.

### Water Quality Performance Measures

- ✓ In FY2015, increase the percentage of Idaho's population using source water protection strategies to protect drinking water.
- ✓ In FY2015, conduct regional training workshops for public water system operators, community planners, and local government officials on source water protection.
- ✓ In FY2015, update 64 existing source water assessments and complete 47 new source water assessments on public water system sources.
- ✓ In FY2015, continue to develop new web-based source water protection tools including a best management practices guide and source water protection plan template.

### **Objective 3. Provide financial assistance to public water systems for facility improvements and source water protection.**

The cost of compliance with the Safe Drinking Water Act provisions can be a difficult burden for many of the citizens served by drinking water systems, especially those with small population bases. DEQ provides financial assistance to communities to prevent contamination of drinking water sources and to make facility improvements needed to comply with regulatory requirements.

The source water protection grant program makes funding available to help communities with projects that mitigate or prevent degradation of ground water or surface water sources that supply their systems. The DEQ grant and loan program provides funding to communities to help them make the system improvements needed to provide affordable, safe drinking water.

#### **Strategies for funding source water protection and facility improvements:**

- Provide SRF set-aside funded grant assistance to owners of eligible systems to complete facility plans in preparation for obtaining DEQ loans for designing and constructing drinking water treatment systems.
- Provide state- and federal-funded low interest loan assistance to eligible communities for designing and constructing safe drinking water systems.

### Water Quality Performance Measure

- ✓ In FY2015, manage approximately \$200,000 in previously awarded source water protection grants.

### Emerging Issues and Opportunities in Water Quality

**Water quality standards to protect human health—Idaho’s surface water quality toxics criteria.** In May 2012, EPA disapproved Idaho’s human health-based water quality toxics criteria. The disapproval was based on EPA’s uncertainty about appropriate fish consumption rates used to calculate such criteria. DEQ used EPA’s national recommended fish consumption rate of 17.5 grams per day, or the equivalent of one 4-ounce meal per week, to calculate the water quality toxics criteria. The rule was submitted to EPA in 2006 for their review and approval. Since 2006, Oregon DEQ has adopted a water quality toxics standard based on a fish consumption rate of 175 grams per day or the equivalent of a 6-ounce meal every day. DEQ decided to promulgate new toxics criteria on August 6, 2012, and notified EPA of the state’s intent to undertake rulemaking. Sound data on actual fish consumption rates in Idaho is needed. DEQ is implementing a fish consumption survey. DEQ is also undertaking negotiated rulemaking to gather stakeholder input on several policy decisions associated with the water quality standards human health criteria. In the absence of state action, EPA could be forced to promulgate federal toxics criteria for application in Idaho.

**Drinking water and wastewater system loan requirements.** EPA has shared its view that most, if not all, states should be leveraging their loan assets. Should this “view” become a capitalization grant requirement, an additional administrative burden will be placed on the state; however, leveraging may facilitate an increase in loan volume. DEQ would address the additional administrative burden by enhancing its State Revolving Fund program software support to seek a more efficient operating environment.

EPA is evolving its policy toward system sustainability. This evolution will likely continue over the next 4 years and will require administrative changes. The policy may translate into specific capitalization grant requirements, such as user rate structures that incorporate capital replacement. Such an evolution would pose significant issues:

- User rates may need to be increased to a level that exceeds ratepayers’ ability to pay.
- DEQ may be faced with the administrative burden of enforcing cities’ compliance with the capitalization sustainability requirement.

**Antidegradation implementation.** The Clean Water Act requires Idaho to protect the existing uses of all state waters and to protect high-quality waters from degradation. Federal law requires states to have both an antidegradation policy and methods to implement the policy. Idaho now has an antidegradation policy and implementation procedures in state statute and the water quality rules. Procedures to limit degradation of Idaho water bodies rely on the current Integrated Report (2010, updated every 2 years) to classify Idaho’s surface waters into tiers for protection. All three tiers require waters to meet water quality standards; in water bodies where water quality is better than water quality standards, called high-quality waters, additional analysis and justification is required before a lowering of water quality can be allowed.

**Emergency Preparedness and Response Goal:**  
Prevent, prepare for, and respond to public health and environmental emergencies.

DEQ maintains the resources and readiness to quickly and effectively support local emergency response personnel and communities when an environmental or public health emergency occurs. This readiness is accomplished by training alongside regional response teams; state agencies such as the Idaho Transportation Department, Idaho Department of Fish and Game, and Idaho Bureau of Homeland Security (BHS); and federal agencies such as EPA, DOE, and the Federal Emergency Management Agency. Additionally, DEQ maintains expertise in handling hazardous and radioactive materials emergencies by participating in advanced-level courses and exercises. To meet the emergency preparedness and response goal, DEQ has two objectives.

**Objective 1. Provide training and technical expertise for emergency planning and preparedness.**

DEQ works with BHS and DOE to train and prepare local communities and regional response teams to respond to emergencies involving hazardous and radiological materials.

**Strategies for emergency planning and preparedness:**

- Provide specific training and technical support to cities, counties, hospitals, tribes, and other state agencies in responding to hazardous and radiological emergencies, natural disasters, and terrorist acts.
- Work with other state and federal agencies to develop predictive air dispersion and water transport models to use as tools in responding to and minimizing impacts from spills of hazardous materials.
- Work with federal, state, and local agencies to develop plans for responding to incidents occurring along transportation routes.
- Maintain expertise with the National Incident Management System and Incident Command System by participating in exercises and advanced training.
- Review the Idaho Fixed Facilities Emergency Plan annually to ensure compliance with state regulatory requirements and federal guidance.
- Activate DEQ-INL Oversight Program, DOE-Idaho Operations Office, and affected INL facilities' and counties' emergency plans as necessary to protect public health when an INL emergency involves the potential or actual release of radioactive materials.
- Participate in DOE and BHS emergency response exercises.

**Objective 2. Respond to public health and environmental emergencies.**

DEQ is one of many agencies that participates in the State Emergency Management Program, operated under the leadership of BHS. When an emergency occurs, DEQ participates in the BHS communication center bridge calls for planning and coordinating incident responses. DEQ provides on-scene personnel support to assess environmental and human health risks, suggest approaches for minimizing impacts, coordinate environmental investigations, and characterize and oversee cleanup (Figure 31 and Figure 32).

In the event of a state or federally declared disaster, DEQ provides personnel to work in the State Emergency Operations Center in Boise, in support offices, or both. DEQ is also authorized to implement procedures to

address public health emergencies. In the event of an air pollution emergency, DEQ may implement a series of increasingly stringent pollution control measures while keeping the public informed of efforts underway to safeguard health. In the event of a release that may threaten drinking water supplies, DEQ works with public water systems to ensure plans are in place to protect supplies and, in the event of contamination, inform the public of necessary precautions.

**Strategies for emergency response:**

- Provide technical advice to on-scene incident commanders for responding to chemical and radiological emergencies.

- Provide or help identify resources needed for emergency response actions.
- Provide pertinent emergency information to the public.
- Collaborate with the Idaho Department of Health and Welfare's Division of Public Health to provide appropriate public health information.
- Provide immediate response to public drinking water contamination incidents that pose an acute public health threat.



Figure 31. DEQ responded to a semi tractor trailer crash on Highway 95 near Riggins. The boat helped survey and secure the fuel tanks submerged in the Salmon River.



Figure 32. Gayle Osburn, from DEQ's Lewiston Regional Office, responded to the event as an environmental liaison helping with remediation oversight.

### Emerging Issue and Opportunity in Emergency Preparedness and Response

**Building emergency response depth.** As Idaho moves toward full integration with the National Incident Management System and the Incident Command System for responding to local and regional emergencies, DEQ will need to build emergency response depth within the organization. Over the next few years, DEQ will train multiple levels of management as well as key staff in the Air Quality, Waste Management and Remediation, and Water Quality Divisions, as well as each regional office, in the Incident Command System.

### Environmental Outreach and Education Goal:

Encourage and empower Idaho citizens, businesses, and communities to engage in behaviors to protect public health and preserve Idaho's environment.

Education and outreach are effective tools for raising public awareness and promoting environmentally responsible behaviors. Although agency budget cutbacks have led to reductions in focused resources to support these activities, DEQ remains committed to integrating education and outreach into staff activities agency-wide within existing budgetary capabilities.

#### **Objective 1. Employ public outreach to increase awareness and understanding of environmental and related health issues impacting Idaho citizens, schools, businesses, and communities.**

Idaho's environmental laws, rules, and programs can be complex and difficult to understand. DEQ's public outreach efforts are aimed at helping citizens, schools, businesses, and communities learn about required and recommended actions to protect the environment and public health and encouraging them to make healthy, sustainable choices.

#### **Strategies for increasing environmental and public health awareness:**

- Integrate outreach, education, and compliance assistance into agency regulatory activities.
- Develop high-quality, accurate, and understandable publications, web content, displays, and other outreach materials designed to inform stakeholders about key environmental issues and agency initiatives.
- Provide timely public access to information on environmental issues and agency activities via the news media, DEQ's website, workshops, and events sponsored by DEQ and stakeholders.
- Participate in community events to interact with citizens and share information on environmental issues and best practices.
- Encourage participation in the agency's anti-idling program—Clean Air Zone Idaho—among schools, businesses, and communities to reduce tailpipe emissions.
- Seek opportunities to work with schools to share information on aquifer protection with children.
- Encourage schools to responsibly dispose of hazardous chemicals and prevent pollution through DEQ's Chemical Round-up Program.
- Encourage green chemistry in the classroom, including preferable purchasing of lab chemicals and using nontoxic lab experiments (Figure 33).

- Encourage local elected and solid waste officials to adopt household hazardous waste, electronic waste, and other waste collection policies and programs locally tailored to their communities.
- Encourage businesses to adopt pollution prevention methods as part of their everyday operations through outreach such as the Economy, Energy, and the Environment (E3) sustainable manufacturing program.
- Collaborate with local leaders and other state agencies for whom pollution prevention assistance and outreach can help to achieve prioritized public and environmental health goals.



Figure 33. DEQ hosted a workshop at the 2013 Idaho Science Teachers Association Conference in Pocatello. The purpose of the workshop was to demonstrate less-toxic chemistry labs. The teachers in the picture used tea, water, ice, and food coloring to demonstrate Le Chatelier's principle of equilibrium change in response to temperature change. Traditionally this lab would be prepared with cobalt chloride or other less benign formulations.

**What is E3?**

E3 is a multagency, interdisciplinary technical assistance program aimed at increasing the economic, energy, and environmental efficiency and sustainability of manufacturers.

- E3 seeks to increase the economic efficiency and competitiveness of the manufacturing industry through lean manufacturing.
- E3 seeks to increase the energy efficiency of the manufacturing industry through comprehensive energy audits designed to reduce energy consumption without decreasing value added in the production process.
- E3 seeks to reduce the manufacturing industry's impact on the environment through pollution prevention.

**Objective 2. Build the capabilities of Idaho citizens to incorporate pollution prevention practices into the workplace and their daily lives.**

Pollution prevention (P2) is any activity—including the use of materials, processes, or practices—that reduces or eliminates the creation of pollutants or waste at the source. Instead of trying to manage the wastes or pollutants through treatment or disposal methods, P2 aims to prevent the initial generation or reduce the toxicity of wastes and pollutants such as hazardous waste, air pollutants, solid waste, and wastewater (Figure 34).

P2 also includes any activity that reduces the toxicity of materials purchased or reduces the consumption of resources such as raw materials, water, energy, or fuel. By employing P2 practices, stakeholders can enhance productivity, save money, improve workplace safety, reduce liability, and conserve natural resources.

**Strategies for building P2 capabilities:**

- Plan, develop, and implement projects that provide stakeholders with effective tools to prevent pollution, minimize waste, and conserve energy and resources.
- Partner with the Idaho TechHelp Program, the Idaho Office of Energy Resources, and other agencies to incorporate P2 techniques into technical assistance visits with Idaho businesses.
- Provide technical assistance to avert potential violations of environmental laws, rules, and programs; enhance compliance; and encourage above-and-beyond compliance actions to protect public health and preserve the environment.
- Recognize the P2 achievements of stakeholders, with an eye toward encouraging others to replicate these successes.
- Identify needs for P2 education and outreach

based on real and known pollutant impacts on human and environmental health; the persistence, bioaccumulation, and toxicity of pollutants monitored in databases such as the Toxics Release Inventory; and the effectiveness of previously implemented outreach or technical assistance efforts.

- Identify needs for P2 education based on feedback from previous technical assistance clients and industry groups.



Figure 34. Materials from a chemical replacement analysis DEQ conducted with Úsful Glassworks in Boise to find a safer alternative to methylene chloride-based paint strippers. To remove the painted labels from certain bottle products, the company was using a product that contained a high percentage of methylene chloride, a known carcinogen that presents acute health hazards. The analysis tested two safer alternative products and found consistent paint removal on certain bottle types. DEQ recommended using these safer products where effective.

**Objective 3. Lead by example to demonstrate DEQ's commitment to the benefits of modeling environmentally responsible behaviors.**

As the state agency responsible for ensuring clean air, water, and land in the state and protecting Idaho citizens from the adverse health impacts of pollution, it is incumbent upon DEQ to model environmentally responsible behaviors and demonstrate the benefits of those behaviors to public health and the environment.

**Strategies for leading by example:**

- Encourage and facilitate staff participation in environmentally responsible behaviors such as using alternative transportation, recycling, and conserving energy (Figure 35).
- Develop and practice internal policies and procedures to prevent pollution, conserve resources, and mentor stakeholders on how to pursue and achieve similar results.
- Publish documented efforts of P2 and alternative transportation on DEQ's website.



Figure 35. As part of Commuteride's May in Motion event, 92 DEQ employees avoided driving 24,150 vehicle miles by using alternative transportation, such as this Commuteride vanpool, for the entire month of May.

### Environmental Outreach and Education Performance Measures

- ✓ In FY2015, train a minimum of five teachers in green chemistry principles and target one school district for participation in the Chemical Round-up Program to promote long-term, sustainable pollution prevention.
- ✓ In FY2015, target five businesses or organizations to participate in the Clean Air Zone Idaho Program to reduce vehicle idling.
- ✓ In FY2015, work with Idaho stakeholders in the Spokane River Toxics Task Force and the Columbia River Toxics Task Force to collaborate on education and outreach initiatives designed to reduce toxics loading into the Spokane and Columbia River watersheds.
- ✓ In FY2015, provide technical assistance to a minimum of 10 businesses in an industry sector or sectors for outreach specifically aimed at reducing compliance issues with federal or state regulatory rules.
- ✓ In FY2015, target at least one business for an E3 technical assistance project encompassing energy efficiency, environmental performance, and economic sustainability.
- ✓ In FY2015, target three businesses within a single industry to participate in an E3 technical assistance cohort project designed to reduce pollution and energy use and improve economic efficiency through sharing information and best management practices between participating companies.

### Emerging Opportunities in Environmental Outreach and Education

**Industry trade groups.** Within the last 12 to 18 months, a number of industry trade groups focusing on education, advocacy, and process improvement have emerged representing businesses throughout Idaho. These include groups such as Idaho Brewers United, the Idaho Auto Body Craftsmen Association, the Southwest Idaho Manufacturing Alliance, and the Idaho Aerospace Alliance. These groups provide networking and resources to their membership and can be valuable sources of information on environmental needs and educational opportunities specific to their industry and membership. DEQ's P2 program has engaged several of these groups and found significant success in identifying future outreach activities and needs. DEQ anticipates that these networks will become increasingly important for identifying outreach opportunities in the future.

**Mobile technology and applications.** The use of smartphones, tablet computers, and Internet-accessible devices has dramatically expanded in the past several years and provides new opportunities for DEQ outreach and education efforts. Quick Response (QR) codes allow most smartphone users to access Internet-based information about products and services without recalling a website address. Likewise, dedicated mobile applications have allowed smartphone and tablet users immediate access to information. DEQ anticipates increased use of mobile technology and applications in the future to improve access to air quality conditions and other environmental information.

## Performance Accountability

DEQ has established two sets of performance measures to track progress toward meeting agency goals and to maintain readiness for the challenges of the future: (1) program performance measures and (2) benchmark performance measures.

The **program performance measures** address ongoing agency functions and services to protect human health and the environment. Each division identifies and tracks measures important to managing internal program performance, meeting performance agreements with EPA, and meeting grant conditions for external funding sources. These performance commitments have been included throughout this plan to provide a more complete picture of the ongoing functions and services the agency performs.

The **benchmark performance measures** are how the agency reports performance accountability to the state legislature, which is the main purpose of the strategic plan. DEQ has chosen nine benchmark performance measures to track and report progress in meeting the overall agency goal of protecting public health and the environment. We have focused on these same measures for several years to ensure consistency in assessing progress over time. These performance measures were purposefully chosen because each reflects an actual environmental or public health outcome (result) of many different actions that, when taken together, indicate progress toward achieving overall agency goals. A general definition of each benchmark measure is given below, followed by the agency's specific performance commitments for FY2015 (Table 2).

While the focus of this strategic plan is primarily on agency performance commitments for the FY2015 budget appropriation, it is also forward-looking through FY2018. Emerging issues and opportunities have been identified and described throughout this plan and are summarized in Table 3. Looking forward on a 4-year horizon, these initiatives may be short-term or they may lead to a shift in agency focus and become the ongoing priorities of the future. Anticipating the opportunities and challenges of the future will better position the agency to make adjustments, if needed, while at the same time remaining focused on core functions and services.

### Definitions of Benchmark Performance Measures

1. **Air quality permits to construct issued, on average, in 99 days.** DEQ recognizes the importance of issuing timely permits to construct so facilities that require permits can plan and make strategic business decisions. DEQ streamlined its permitting process in 2007 and developed a performance objective to issue minor source permits to construct, on average, in 99 days. DEQ tracks the amount of time it takes to issue a permit to construct on a 2-year, monthly rolling average and reports annually the actual average number of days to issue these permits.
2. **Air Quality Index category correctly forecasted 100% of days.** The Air Quality Index is a tool to help citizens understand the severity of air pollution and potential health implications so they can take steps to protect their health and reduce their contribution to air pollution. The index is calculated using actual monitoring data compared to health-based standards. It is reported daily in selected cities on a scale of increasing pollution and health concerns, according to the following six categories: good, moderate, unhealthy for sensitive groups, unhealthy, very unhealthy, and hazardous.
3. **Hazardous waste permits and reviews.** Permits and reviews associated with hazardous wastes are completed annually according to established schedules. Time frames are established from a variety of sources, including federal regulations, project schedules, construction seasons, and company requests.
4. **Brownfields site assessments.** A brownfields site is a vacant or underutilized property where redevelopment or reuse is complicated by actual or perceived environmental contamination. Site assessments are completed to provide environmental information necessary for proceeding with redevelopment or reuse. This information is used to guide site cleanup to minimize public health risks and bolster the community's economic vitality.
5. **Monitoring of INL conditions.** Continuous air quality monitors and real-time radiation monitors on and around the INL track environmental conditions and must be operational at least 97% of the time.
6. **TMDLs.** DEQ is required to complete TMDLs, or water quality improvement plans, for water bodies that are not meeting water quality standards or supporting beneficial uses. TMDLs are completed for water bodies based on the number of assessment units they contain and the number of individual pollutants that are impairing water quality. Idaho water bodies have been categorized into 5,754 assessment units based on hydrologic catalog units (subbasins) and stream order. These units encompass approximately 95,119 miles of streams and rivers and 469,045 acres of lakes and reservoirs. As an example, if a stream is made up of 3 assessment units and has 4 pollutants identified as impairing water quality, there would be 12 assessment unit/pollutant combination TMDLs to complete for that stream.
7. **Reviews of wastewater engineering plans and specifications.** In 2005, the legislature established a 42-day time frame for DEQ to review and act on engineering plans and specifications. This establishes a reasonable window to complete thorough evaluations while at the same time being responsive to business planning needs.
8. **Reviews of drinking water engineering plans and specifications.** In 2005, the legislature established a 42-day time frame for DEQ to review and act on engineering plans and specifications. This establishes a reasonable window to complete thorough evaluations while at the same time being responsive to business planning needs.
9. **Regulating community water systems to provide safe drinking water.** The total population of Idaho was estimated at 1,612,136 in 2013. Idaho has 738 community water systems, serving a total of 1,253,915 people. Rigorous monitoring requirements for community water systems must be met to ensure safe drinking water is provided and public health is protected.

Table 2. DEQ performance commitments for FY2015.

Benchmark Performance Measure	Performance Commitment FY2015
1) Number of days, on average, to issue a permit to construct	99 days
2) Percentage of days the Air Quality Index category is correctly forecasted	100%
3) Percentage of scheduled hazardous waste permits or reviews completed within established time frames	100%
4) Number of brownfields site assessments completed	10
5) Percentage of time that air monitoring and radiation monitoring stations are operational to monitor INL conditions	97%
6) Number of TMDLs completed for assessment unit/pollutant combinations	234
7) Percentage of wastewater water plan and specification reviews completed within 42 days of receipt	100%
8) Percentage of drinking water plan and specification reviews completed within 42 days of receipt	100%
9) Percentage of "person months" during which community water systems provide drinking water that meets health-based standards	95%

Table 3. Emerging issues and opportunities for FY2015–2018.

Emerging Issue/Opportunity	Division/Program
1) New ozone standard	Air
2) PM <sub>2.5</sub> standard revision	Air
3) Biomass for energy production	Air
4) Section 105 federal air quality grant allocation	Air
5) Waste-to-energy proposals	Waste
6) Water quality standards to protect human health—surface water toxics criteria	Water
7) Drinking water and wastewater system loan requirements	Water
8) Antidegradation implementation	Water
9) Building emergency response depth	Emergency Response
10) Industry trade groups	Outreach
11) Mobile technology and applications	Outreach

*This page intentionally left blank for correct double-sided printing.*



Printed on recycled paper, DEQ July 2014, PID 0205, CA 30060. Costs associated with this publication are available from the State of Idaho Department of Environmental Quality in accordance with Section 60-202, Idaho Code.

---

**Water Quality Division Environmental Performance Partnership Agreement**

**Water Quality Division  
Environmental Performance  
Partnership Agreement**

---

Calendar Year 2015



**Idaho Department of Environmental Quality  
United States Environmental Protection Agency Region 10**

**December 2014**



Printed on recycled paper, DEQ, December 2014,  
PID ADM.EOAA.TMTE, CA 32068. Costs associated  
with this publication are available from the State of  
Idaho Department of Environmental Quality in  
accordance with Section 60-202, Idaho Code.

## Water Quality Division Environmental Performance Partnership Agreement

The following Performance Partnership Agreement (PPA) between the United States Environmental Protection Agency (EPA) Region 10 and the Idaho Department of Environmental Quality (DEQ) will serve as the work plan for DEQ's Water Quality Division. This PPA is effective for calendar year 2015 and covers the period from January 1 through December 31, 2015. The agreement aligns DEQ and EPA Region 10 priorities and defines expected environmental outcomes. Through this agreement, DEQ and EPA can work together more efficiently in managing Idaho's water resources.



Curt A. Fransen, Director  
Idaho Department of Environmental Quality

12/11/14

Date



Dennis McLerran, Regional Administrator  
US Environmental Protection Agency, Region 10

12/18/14

Date

*This page intentionally left blank for correct double-sided printing.*

**Table of Contents**

Introduction..... 1

    Strategic Priorities ..... 1

        DEQ’s Strategic Priorities ..... 3

        EPA’s Strategic Priorities ..... 3

General Water Quality Agreements..... 4

    Information and Document Sharing Expectations ..... 4

    Training and Technical Assistance ..... 4

    Joint Evaluation of Performance ..... 4

    Roles and Responsibilities ..... 4

    Terms and Conditions ..... 5

    Outcomes..... 5

Component 1. Surface Water Assessment and Protection Programs ..... 6

    Program Goal ..... 6

    Program Activities..... 6

    Program Contacts ..... 6

    Program Commitments ..... 6

        Priorities..... 6

        Outcome..... 7

    Total Maximum Daily Loads ..... 7

    Monitoring and Assessment ..... 10

    Water Quality Standards ..... 11

Component 2. Watershed Protection Program..... 14

Component 3. Reuse Permit Program..... 16

    Program Goal ..... 16

    Program Activities..... 16

    Program Contacts ..... 16

    Program Commitments ..... 16

        Priorities..... 16

        Outcome..... 16

Component 4. Ground Water Program ..... 21

    Program Goal ..... 21

    Program Activities..... 21

    Program Contacts ..... 21

    Program Commitments ..... 21

        Priorities..... 21

Outcomes .....	22
Program Indicators.....	22
Component 5. NPDES Program .....	31
Program Goal .....	31
Program Activities.....	31
Program Contacts .....	31
Program Commitments .....	31
Priorities.....	31
Outcomes .....	32
Component 6. Drinking Water and Wastewater Loan Programs .....	37
Program Goal .....	37
Program Activities.....	37
Program Contacts .....	37
Program Commitments .....	37
Priorities.....	37
Component 7. Safe Drinking Water Program.....	42
Program Goal .....	42
Objectives.....	42
Program Contacts .....	42
Outcomes, Targets, and Activities .....	42
Program Commitments .....	43

## Introduction

The United States Environmental Protection Agency (EPA) and states share responsibility for environmental protection. This Performance Partnership Agreement (PPA) describes how the Idaho Department of Environmental Quality (DEQ) Water Quality Division and EPA Region 10 will work together to protect Idaho's water quality.

The goal of a PPA is to bring more flexibility, accountability, and innovation into the state and federal relationship. In particular, these agreements are intended to increase environmental protection by focusing on overall environmental goals and results of government programs. In the PPA process, DEQ and EPA discuss environmental conditions and program needs, agree on priorities, develop approaches to address priorities, determine roles and responsibilities, and choose program measures.

This agreement details how DEQ and EPA will work together to accomplish common water quality goals. The two agencies will continue to focus on integrating key program areas that form the foundation of Idaho's Water Quality Program. Core programs include safe drinking water, ground water, water quality standards, water quality monitoring and assessment, water body and watershed restoration, wastewater and drinking water infrastructure, and National Pollutant Discharge Elimination System (NPDES) permits and compliance. DEQ is the lead agency for most of these programs, except for NPDES in which EPA is the lead. This year DEQ will begin the process of developing an application for NPDES delegation. Each Water Quality Program component identifies the expected environmental results as well as the DEQ and EPA work commitments to be completed during calendar year (CY) 2015.

To present a comprehensive overview of DEQ's efforts to protect water quality, this PPA describes additional DEQ Water Quality Division activities funded by other federal and nonfederal funds. In CY 2015, federal grant work plans will continue to focus on optimizing the use of DEQ Water Quality Division staff to perform more critical water quality work in-house.

## Strategic Priorities

EPA and DEQ were guided in these PPA negotiations by their respective strategic plans and priorities. DEQ and EPA strategic plans are available for review on each agency's website. These strategic plans are broad-based and address more than just water quality strategies and priorities. ~~Figure 1~~ illustrates the relationship of DEQ and EPA planning processes, including strategic priorities, to the PPA. The PPA offers an opportunity to identify common ground among these priorities and for the agencies to identify opportunities to work collaboratively on some priorities. The following sections describe each agency's strategic priorities. These sets of priorities establish the framework for developing this PPA. Specifically, this PPA incorporates EPA's priorities and targets that correspond to DEQ's priorities and objectives.

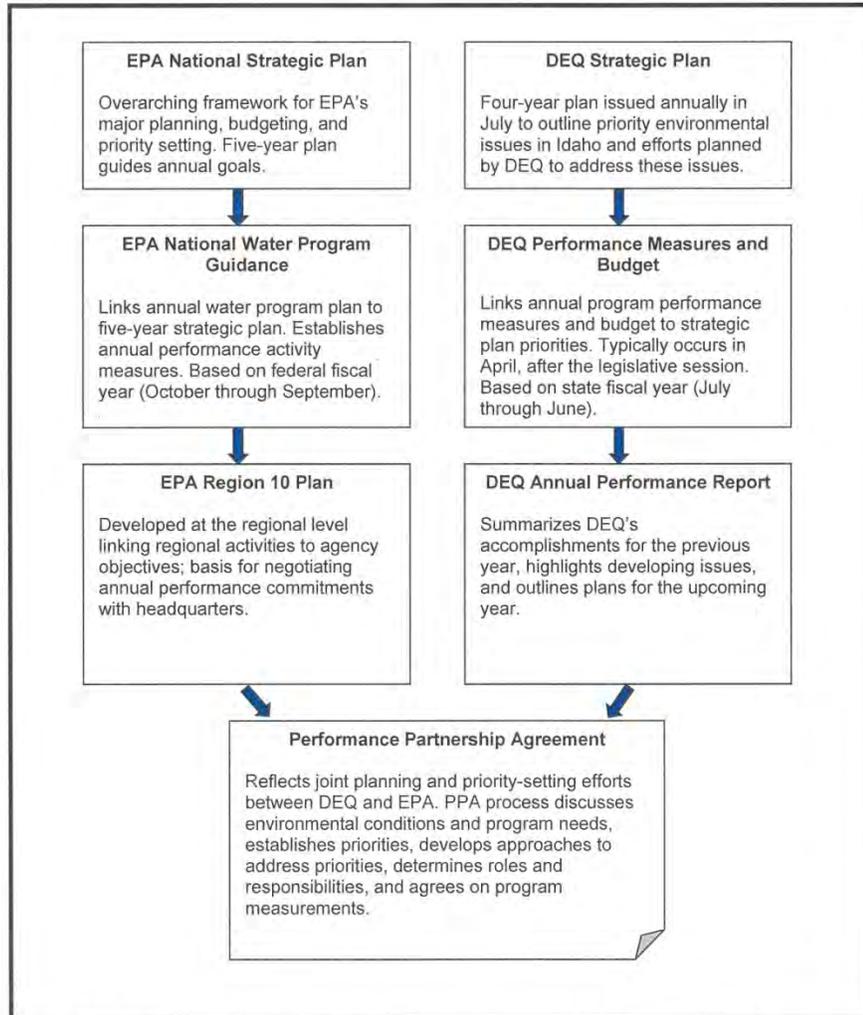


Figure 1. Relationship of DEQ and EPA planning processes to the Performance Partnership Agreement.

### DEQ's Strategic Priorities

DEQ has adopted a strategic plan for 2015 through 2018, available at <http://www.deq.idaho.gov/media/1117684/deq-strategic-plan-15-18.pdf>. DEQ's mission is to protect human health and preserve the quality of Idaho's air, land, and water for use and enjoyment today and in the future. DEQ uses environmental outcomes as one method to evaluate the effectiveness of its programs. Specific Water Quality Division objectives include the following:

- Monitor and assess water quality conditions to determine compliance with standards and support of beneficial uses.
- Complete reviews, guidance, and plans for improving and maintaining water quality.
- Implement pollution reduction actions needed to meet water quality standards and support beneficial uses.
- Develop the Idaho Pollutant Discharge Elimination System program.
- Ensure customers served by regulated public water systems are receiving safe and reliable drinking water.
- Assist public water system owners in protecting their drinking water sources from contamination.
- Provide financial assistance to public water systems for facility improvements and source water protection.

### EPA's Strategic Priorities

The EPA National Water Program Guidance provides an overarching document of national goals, priorities, and performance measures aimed at making significant progress toward protecting human health and improving water quality. This national program guidance is augmented by the National Program Manager Guidance for enforcement activities in all media. Both documents can be found at <http://www2.epa.gov/planandbudget>.

EPA's fiscal year 2011–2015 strategic plan, available at <http://www.epa.gov/aboutepa/>, captures national goals and describes priorities, strategies, and expectations. EPA Region 10 strives to integrate state and regional priorities with EPA's national strategic planning objectives. The 2011–2015 strategy for EPA Region 10 is available at <http://yosemite.epa.gov/R10/extaff.nsf/reports/regional-strategy>.

EPA Region 10's strategy aligns with the EPA administrator's five strategic goals and four cross-agency strategies, several of which are directly related to this PPA. For example, Protecting America's Waters and Working Toward a Sustainable Future have work activities pertaining to water quality. EPA's commitment to partnering and finding workable solutions through the PPA process is articulated in the Launching a New Era of State, Tribal, Local, and International Partnerships cross-agency strategy.

EPA Region 10 identifies the following priorities specific to Idaho water quality for 2015:

- Work with DEQ and Idaho interests on the state's development of NPDES authorization rules and guidance.
- Coordinate with DEQ on water quality standards litigation and rulemakings.

- Work with DEQ to revise the human health criteria for toxics in response to EPA's disapproval action.
- Work with DEQ to complete the nutrient total maximum daily load (TMDL) for the Boise River. Issue draft NPDES nutrient permits and §401 certifications for the Boise River.
- Work with DEQ to obtain §401 certification for expiring permits discharging to the Mid-Snake River that need to be reissued.
- Work with DEQ towards implementing EPA's §303(d) program vision.
- Work with DEQ to establish protocol for identifying existing uses for man-made waters.
- Work with DEQ, Idaho State Department of Agriculture (ISDA), Idaho Department of Water Resources (IDWR), and other state agencies to effectively coordinate the implementation of several important general NPDES permits.
- Work with DEQ to adopt the Revised Total Coliform Rule for the drinking water program.

## **General Water Quality Agreements**

### **Information and Document Sharing Expectations**

DEQ will submit annual reports to EPA that provide data on the measures indicated in the PPA, unless this information is provided in grant reports. DEQ and EPA will inform each other regarding correspondence about grants, agreements, or products or services rendered from other local, state, and federal agencies or private entities that concern activities covered under this agreement.

### **Training and Technical Assistance**

Each agency, within its resource limitations, will provide training and technical assistance to the other agency upon request.

### **Joint Evaluation of Performance**

Unless stipulated otherwise in the PPA or individual grant conditions, DEQ and EPA will perform semiannual reviews for all PPA commitments. These reviews will occur approximately midyear in May 2015 and near the conclusion of the annual PPA. This joint evaluation of performance will discuss program accomplishments as measured against work plan commitments, existing and potential problem areas, and suggestions for improvement. As a result of these performance evaluations, DEQ and EPA will collaborate on preparing brief progress reports covering their respective commitments in the PPA.

### **Roles and Responsibilities**

Roles and responsibilities for EPA and DEQ are specified in the Program Commitment sections of this PPA.

**Terms and Conditions**

DEQ and EPA will follow all terms and conditions outlined in the operating agreements, yearly grant agreements, and federal and state statutes and regulations. For the purposes of quantification of effort, 2,080 person hours is one *full-time equivalent* (FTE), also known as one *work year*. As required by 40 CFR 35, the following federal sources of funding have been identified in this PPA:

- Surface Water §106 Reuse permit program; NPDES inspections/capacity development/certifications; wastewater plans/specifications; monitoring initiatives
- Ground Water §106 Ground Water Program-related activities
- Nonpoint Source (NPS) §319 TMDL; NPS; restoration and management plans
- §604(b)/205(j) Wellhead protection; On-site Wastewater Program
- TMDL grant Key watershed TMDL projects
- State and Tribal Assistance Grants (STAG) administration 3% Public works construction oversight
- Drinking Water—Public Water System Supervision (PWSS) Drinking Water Program administration
- Drinking Water State Revolving Fund (SRF) capitalization grant Drinking Water Loans; Loan Program administration; and eligible set-aside activities
- Clean Water State Revolving Fund (CWSRF) capitalization grant Wastewater Loans and Loan Program administration

**Outcomes**

Environmental outcomes are described in the individual program sections.

## **Component 1. Surface Water Assessment and Protection Programs**

### **Program Goal**

The goal of DEQ's Surface Water Program is to restore impaired water bodies to conditions supporting designated and existing beneficial uses. DEQ also works to improve surface water quality in areas with endangered species issues. These goals are accomplished through the following activities: monitoring and data collection, assessment, Integrated Report publication (formerly called the §305(b) report and §303(d) list), water quality standards development, and TMDL development. Monitoring and data collection is proposed to continue in CY 2015 at levels similar to CY 2011 but with expanded monitoring to support TMDL 5-year reviews.

### **Program Activities**

Where possible, complete remaining TMDLs per the 2002 Idaho TMDL Settlement Agreement. Complete 5-year reviews of completed TMDLs. Continue monitoring and assessment activities as budget allows; develop water quality standards. DEQ will evaluate data that comes in during the call for data for use in the 2014 Integrated Report. Revise Idaho's Water Quality Trading Guidance and Lower Boise Trading Framework as necessary. Finalize the Mixing Zone Guidance and Triennial Review Final Report.

### **Program Contacts**

Michael McIntyre, DEQ, (208) 373-0570

David Croxton, EPA, (206) 553-6694

Angela Chung, EPA, (206) 553-6511

### **Program Commitments**

#### **Priorities**

- Complete 51 TMDLs from the 2002 TMDL Settlement Agreement (Appendix O, 2012 Integrated Report).
- Complete 174 nonsettlement TMDLs (Appendix P, 2012 Integrated Report).
- Designated management agencies with Watershed Advisory Group (WAG) input will develop implementation plans as their budget allows in order to implement approved TMDLs.
- Complete six EPA-funded TMDL 5-year reviews and coordinate monitoring activities to support CY 2016 and CY 2017 reviews.
- Coordinate with WAGs, EPA, and designated management agencies (DMAs) regarding 5-year reviews as appropriate.

- Coordinate monitoring activities with other state, federal, and private entities. Provide necessary information, including monitoring data, to demonstrate meeting EPA National Management Measures (SP-10 and SP-12).
- Continue to update and modify water quality standards as needed.

### Outcome

Surface water assessment and protection outcomes will increase the percentage of waters supporting beneficial uses and decrease the percentage of waters that do not support beneficial uses.

### Total Maximum Daily Loads

#### 1.1.a Restore beneficial uses and meet water quality standards in water quality limited water bodies.

##### Approach

Complete remaining subbasin assessments and TMDLs pursuant to the 2002 Idaho TMDL Settlement Agreement. See Outputs item (a) below.

##### Outputs

- Complete 51 TMDLs from the 2002 TMDL Settlement Agreement (Appendix O, 2012 Integrated Report).
- Complete 174 nonsettlement TMDLs (Appendix P, 2012 Integrated Report).
- Share prepublic comment period drafts of TMDLs with EPA.
- Share draft of the TMDL data entry form with EPA prior to final TMDL submittal.
- Continue to perform pre- and post-TMDL monitoring visits, as the budget allows, to support TMDL development and adaptive management.
- DEQ has developed a draft nutrient TMDL for the Lower Boise River (LBR). DEQ discussed draft nutrient targets and allocations with the LBR WAG and EPA throughout CY 2014. DEQ shared the draft TMDL allocations with the LBR WAG and EPA in September 2014 and anticipate public comment will commence February 2015. Final submittal to EPA is projected for May 2015.
- DEQ and EPA shared Tetra Tech's Mid-Snake River subbasin assessment reevaluation with Mid-Snake River WAG in September 2014. Discussion with the Mid-Snake River WAG and the next steps have been initiated to evaluate flow regimes that could support macrophyte reductions, in concert with evaluations of the influence of nitrogen, chlorophyll *a*, periphyton, and phytoplankton.
- Continue effort to complete LBR tributary TMDLs for Indian Creek; Willow Creek; Five, Ten, and Fifteen Mile Creeks; and Sand Hollow Creek.
- Develop a policy to address tribal waters and their status as part of the 2014 Integrated Report.

##### Schedule

Subbasin assessment and TMDL completion follows an agreed upon schedule (per Outputs item 1.1b).

**Funding**

These activities are funded by state monies appropriated through the Idaho Legislature. Presently, DEQ devotes approximately 34,087 person hours (approximately 16.4 work years) and \$210,789 in operating funds to support this effort. Successful achievement of these activities will depend on additional funding and collaborative efforts with other agencies. TMDL implementation plan development efforts conducted by DEQ staff are funded by state general funds and some federal §319 funds.

**Contacts**

Michael McIntyre, DEQ, (208) 373-0570

David Croxton, EPA, (206) 553-6694

**1.1b Complete 5-year reviews of existing TMDLs and better coordinate with EPA, WAGs, and DMAs regarding 5-year reviews.****Approach**

Idaho Code §39-3611(7) advised DEQ to complete TMDL 5-year reviews for selected TMDLs. DEQ will coordinate monitoring activities to support the reviews and begin data collection for 5-year reviews to be completed in CY 2015, if funding is available.

**Outputs**

- a. Prioritize existing TMDLs for completion of 5-year reviews. Complete six TMDL reviews during CY 2015 to the extent resources are available.
- b. Consult with WAGs on 5-year review as required by Idaho Code §39-3611(7) and share drafts with EPA for review. EPA shall provide comments, if any, within 30 days.
- c. In the event a 5-year review indicates lack of progress towards meeting the allocations and water quality targets set forth in the TMDL, DEQ will work with the WAGs and DMAs to determine the next steps. DEQ may initiate a process consistent with Idaho Code §39-3611(7) to consider revisions to the TMDL as funding, technical resources, and workload priorities allow.
- d. Initiate monitoring in CY 2015 of six more prioritized subbasins for the purpose of developing data for 5-year TMDL reviews to be completed by May CY 2016.

**Schedule**

Review of EPA-approved TMDLs must be conducted every 5 years per Idaho Code §39-3611(7). During CY 2014, DEQ has resources to complete reviews of six EPA-approved TMDLs by the end of the calendar year. During CY 2015, DEQ will conduct monitoring of six more subbasins for 5-year reviews to be completed in CY 2016.

**Funding**

Some of these activities in CY 20-14 were funded by \$117,999.66 provided by EPA to support TMDL 5-year review monitoring. Additional funding, estimated at approximately \$120,000 per year, would be required to support the same level of 5-year

review monitoring in CY 2015 and 2016. For CY 2015 DEQ is going to use EPA §106 monitoring initiatives monies to complete monitoring and 5-year reviews. No funding has been determined for CY 2016–2017. Presently, DEQ devotes approximately 4,620 person hours (approximately 2.2 work years) and \$71,148 in operating funds to support this effort. Successful achievement of these activities will depend on additional funding and collaborative efforts with other agencies. TMDL implementation plan development efforts conducted by DEQ staff are funded by state general funds and some federal §319 funds.

**1.1.c Revise DEQ's Water Quality Trading Guidance as necessary.**

**Approach**

The Willamette Partnership is coordinating efforts by Idaho, Washington, and Oregon in the development of joint regional water quality trading guidelines and best practices. EPA serves in an advisory capacity in this effort. Subsequent to this process, DEQ may revise its Water Quality Trading Guidance as DEQ deems appropriate as a result of the EPA and multistate coordination.

**Outputs**

- a. Completion of a Joint Regional Agreement regarding water quality trading.
- b. Pilot best practice recommendations in DEQ's Water Quality Trading Guidance.
- c. Pilot best practice recommendations in DEQ LBR Trading Framework.
- d. The CY 2015 Joint Regional Agreement Pilots may be incorporated into DEQ's Water Quality Trading Guidance and the LBR Trading Framework after a public comment period, and adopted formally as guidance.

**Schedule**

The Joint Regional Agreement recommendations for best practices will be finalized by late CY 2015, or early CY 2016, and DEQ may initiate any necessary changes to the DEQ Water Quality Trading Guidance and or LBR Trading Framework in CY 2016.

**Funding**

The output identified in (b) and (c) above is funded through a partnership grant while (d) will be funded through Idaho general fund dollars as available

## Monitoring and Assessment

### 1.2 Assess monitoring data for beneficial use status.

#### Approach

DEQ will evaluate data that comes in during the call for data for use in the 2014 Integrated Report. Continue to develop and maintain capacity for reporting §305(b) information in the Integrated Report. Continue electronic reporting of Integrated Reports using EPA's assessment database.

#### Outputs

- a. Provide draft 2014 Integrated Report for public comment by May 2015.
- b. Develop report on stream diatom index performance; include results in 2016 Integrated Report. Share the results with EPA.
- c. Share the draft Idaho Lakes Monitoring Methods document with EPA from data collected in 2012. Continue completing this work under the EPA federal fiscal year (FFY) 2010 §106 monitoring initiative strategies grant.
- d. Implement at least six Beneficial Use Reconnaissance Program (BURP) ambient monitoring crews during the 2015 field season, with the possibility of a seventh crew. Continue probabilistic monitoring of BURP Wadeable streams.
- e. DEQ will continue to use the Water Quality Exchange Network node to move BURP data to the STORET data warehouse twice per year.
- f. Assist in identifying water quality improvements meeting EPA National Management Measures (SP-10, SP-12, and WQ-21).
- g. Continue development of the Water Body Assessment Guidance, 3rd edition, under the EPA FFY 2012–2013 §106 monitoring initiative strategy grant.
- h. Report results of the nutrient effects project. Enhance the public interface of the surface water database application. These projects are funded by EPA's FFY 2011 §106 monitoring initiative strategy funds.
- i. Work with the University of Idaho to develop a monitoring plan, quality assurance project plan (QAPP) and standard operating procedure to collect data to evaluate the Idaho Department of Lands new shade rule.

#### Schedule

Scheduling and logistics will be key to successfully completing the BURP and National Rivers and Streams Assessment (NRSA) monitoring projects in CY 2014. Timely receipt of semiannual reports prescribed by the terms and conditions of the §106 monitoring initiative strategy grants is necessary to effectively manage grant funds. DEQ will evaluate data that comes in during the call for data for use in the 2014 Integrated Report.

#### Funding

DEQ estimates approximately 23,815 person hours (equivalent to 11.5 work years) and \$264,257 in operating funds to support this effort in this PPA cycle. Funding sources are state general fund dollars and EPA §106 monitoring initiative and NRSA grants.

**Contacts**

Michael McIntyre, DEQ, (208) 373-0570  
 Gretchen Hayslip, EPA, (206) 553-1685  
 David Croxton, EPA, (206) 553-6694

**Water Quality Standards****1.3 Develop scientifically based functional water quality standards to address program needs and to ensure protection of Idaho water.****Approach**

DEQ and EPA will work collaboratively to develop revised water quality standards and implementation guidance. DEQ will request applicant status, participate in Endangered Species Act consultations, and submit rulemaking dockets approved by the Idaho Legislature for EPA action. EPA will review and consult on submittals of revisions to Idaho water quality standards.

**Outputs**

- a. DEQ anticipates a CY 2015 rulemaking to add use attainability analysis (UAA) language to our water quality standards.
- b. DEQ anticipates a CY 2015 rulemaking on aquatic life copper criteria.
- c. Continue Idaho Fish Consumption Survey (FCS) through May 2015. Work with contractor to assemble data and preliminary statistics.
- d. Develop contract to analyze FCS data based on policies to arrive at a draft Fish Consumption Rate (FCR). Present findings to rulemaking body.
- e. Propose revisions to DEQ's human health (toxic) criteria based on FCR. For Idaho, this task will be achieved through negotiated rulemaking that started October 4, 2012, will proceed according to the developed schedule, and is anticipated to be ready for legislative review in 2016.
- f. Submit final mixing zone rule package to EPA by June 2015.
- g. Revise Mixing Zone Guidance and provide to EPA for review and comment.
- h. Conduct a review of those water bodies in the state that are not designated for the uses specified in section 101(a)(2) of the Clean Water Act, in accordance with 40 CFR 131.20(a). Review UAAs for Blackbird, West Fork Blackbird, and Bucktail Creeks by December 2014 and submit draft report to EPA for review and comment.
- i. Provide EPA with an additional list of other possible water quality standards updates and revisions that could be undertaken subject to resource availability and priority changes.
- j. Coordinate with EPA on the United States Fish and Wildlife Service BiOP review.
- k. Finalize Antidegradation Guidance.
- l. Continue discussions with EPA on how to handle discharges to canals and drains.

**Schedule**

DEQ anticipates the items listed in Outputs will be completed and submitted to EPA by December 31, 2015, unless otherwise specified. Issues in Outputs items (a), (c), (d), (f), (g), and (h) will not be completed by the end of this PPA cycle due to their complexity.

**Funding**

These water quality standards activities will be funded by monies appropriated through the Idaho Legislature. DEQ estimates approximately 13,525 person hours (equivalent to 6.5 work years) to support this effort. Achievement of future goals will depend on the availability of additional resources and collaborative efforts with other agencies. DEQ anticipates adding additional FTEs in order to accomplish the outputs in c, d, f, h, and j above.

**Contacts**

Michael McIntyre, DEQ, (208) 373-0570

Angela Chung, EPA, (206) 553-6511

Michael Lidgard, EPA, (206) 553-1755 (mixing zone analyses and §401 certification)

**1.4 Component commitments.****DEQ Commitments**

Refer to sections 1.1, 1.2, and 1.3 regarding TMDL, monitoring and assessment, and water quality standards activities.

- a. Continue leading the selenium site-specific criteria development work group.
- b. Continue dialog with EPA on inclusion of Idaho mercury fish tissue criterion in NPDES permits and TMDLs.
- c. Share prepublic comment period drafts of TMDLs.
- d. Share drafts of each 5-year review with EPA for review and comment.
- e. Continue efforts to complete a nutrient TMDL for LBR and listed tributaries.
- f. Implement BURP ambient monitoring across the state.
- g. Strengthen working relationship on an ongoing basis.
- h. Both EPA and DEQ will make appropriate staff assignments to each TMDL.
- i. Report overall Surface Water Program progress semiannually to EPA, regarding water quality standards submittal and approval actions, TMDLs, Integrated Report, monitoring, and PPA commitments.
- j. Coordinate review and selection of nonpoint source (NPS) projects and activities directed to priority watersheds, taking into account multiple available funding sources.
- k. Continue support of the watershed approach, using basin monitoring efforts, state program integration, and stormwater planning to emphasize NPS Program results.
- l. Work together on policy for tribal waters and their status for the 2014 Integrated Report.

**EPA Commitments**

- a. Produce draft TMDLs for the Nez Perce Tribe on the Lower Clearwater River (hydrologic unit code 17060306) (Appendix N, 2010 Integrated Report).
- b. Issue Jordan Creek mercury TMDL.
- c. Participate early, to the extent possible, in high-priority rulemaking proceedings negotiated by DEQ for water quality standards.
- d. Continue EPA participation (reviewing technical documents and providing comments) in DEQ's work group on site-specific fish tissue selenium criteria development.
- e. Approve or disapprove all TMDLs and water quality standards submitted by DEQ on a timely basis.
- f. Act on the current Integrated Report within statutory time frames.
- g. Continue to review and act on DEQ-submitted TMDLs and provide Idaho TMDL Settlement Agreement parties with copies of EPA-approved TMDLs and corresponding action letters on a timely basis.
- h. Improve coordination of NPDES permitting with DEQ mixing zone authorization and TMDL completion.
- i. Continue EPA technical support to DEQ for mercury TMDL development.
- j. Review and comment on revisions to Water Body Assessment Guidance, 3rd edition, as they are completed.
- k. Continue EPA participation in negotiated rulemaking meetings for revised human health criteria.
- l. Provide technical assistance to DEQ, as needed, in evaluating fish consumption information and revision to the human health criteria.
- m. Review and provide timely comments on DEQ 5-year reviews.

## Component 2. Watershed Protection Program

### 2.1 Manage §319 Nonpoint Source Program.

#### Approach

Implement the §319 NPS Program through the EPA-approved 2000 Idaho NPS Management Plan and 2004 EPA §319 guidance. The Idaho NPS Management Plan is available at [http://www.deq.idaho.gov/media/458860-management\\_plan\\_entire.pdf](http://www.deq.idaho.gov/media/458860-management_plan_entire.pdf).

#### Outputs

- a. Successfully award and complete implementation project grants initiated under §319 contracts. These grants are contingent upon approved TMDLs or other water quality priorities and will be based on the amount of funding available. The §319 Idaho NPS Management Plan will be used as a guidance document for this activity.
- b. Administer grants in accordance with relevant grant conditions, using the Grant Reporting and Tracking System (GRTS) to report program activities on all mandatory elements, including estimated project load reductions (for nitrogen, phosphorus, and sediment as applicable). DEQ will enter all GRTS load reduction estimates for previous year projects by February 15, 2015, and all other GRTS mandatory elements by April 1, 2015, under the national deadlines.
- c. DEQ will finalize a draft of the Idaho NPS management plan update, under EPA guidance, and request approval by January 31, 2015.
- d. Complete and submit an annual performance and progress report for the NPS Management Program and §319 grant.
- e. Update the NPS memorandums of understanding as necessary.
- f. Perform §319 project evaluations using the Idaho NPS Management Plan as guidance. DEQ and EPA will continue to work together on the process and documentation for use of §319 funds, implementing the nine-element watershed-based plan (including qualifying TMDL implementation plans) in impaired waters.
- g. With EPA assistance, work to identify and integrate outside funding with §319 funding to provide increased funding for implementation work in priority watersheds, per DEQ's 2015–2018 Strategic Plan.
- h. As requested, help to identify potential success stories under EPA criteria. Success stories are a means to document the national NPS Program measure WQ-10 (if partial or full water body restoration is achieved) or progress toward restoration (non-WQ-10). For those stories that qualify, and with EPA's support, seek to develop a minimum of two WQ-10 success stories yearly. DEQ and EPA will continue to work together to assess and target monitoring needs to document NPS water quality improvements under the strategic program measures.
- i. Continue to develop a process to ensure that approvable §319-funded project work plans fully evaluate alternative designs or measures that best address the primary long-term water quality objectives of the proposal.
- j. Coordinate development of TMDLs and 5-year reviews.

**Schedule**

Activities conducted under the §319 NPS Program will follow milestones identified in the §319 NPS grant work plan.

**Funding**

EPA funds approximately 60% of the §319 NPS Program, while 40% in matching funds comes from state and local sources. DEQ estimates approximately 10,610 person hours (approximately 5.10 work years) and approximately \$414,000 from the federal §319 grant to support §319 DEQ administrative activities. DEQ and EPA agree to work in partnership to meet and address these funding challenges.

**Contacts**

Tim Wendland, DEQ, (208) 373-0439

Dave Pisarski, DEQ, (208) 373-0464

Bill Stewart, EPA, (208) 378-5753

**2.2 Component commitment.****EPA Commitments**

EPA will work with DEQ to find the most expeditious mechanisms to use the state's full §319 allocation while minimizing the need for carryover funds between grants.

## Component 3. Reuse Permit Program

### Program Goal

The goal of the Reuse Permit Program is to ensure recycled water is used in a manner that protects human health and the environment with respect to surface water and ground water. DEQ also supports the ultimate goal of the NPDES Program by encouraging the elimination of pollutant discharges to waters of the United States.

### Program Activities

Process reuse permits, perform compliance oversight of reuse-permitted facilities, assist public health districts in the on-site wastewater program, develop program guidance materials, and ensure statewide consistency.

### Program Contacts

Chas Ariss, P.E., DEQ, (208) 373-0561

Michael Lidgard, EPA, NPDES Unit, (206) 553-1755

Maria Lopez, EPA, Idaho NPDES Liaison, (208) 378-5616

### Program Commitments

#### Priorities

- Conduct 50 reuse permit inspections.
- Issue 20 protective reuse permits.
- Conduct timely review of reuse permit annual reports.

#### Outcome

The outcome and goal of the Reuse Permit Program is to decrease the number of wastewater facilities that discharge to waters of the United States.

#### 3.1 Process 20 reuse permits by December 31, 2015.

##### Approach

Priority will be given to new facilities, industrial facilities with expired permits, facilities with inadequate reuse permit limits, and facilities with the potential to impact impaired water bodies.

##### Outputs

- a. Issue reuse permits.
- b. Transmit to EPA, on a semiannual basis, a list of permits issued.

**Schedule**

DEQ will report on the number of reuse permits issued from January 1 to June 30, 2015, by July 31, 2015.

DEQ will transmit to EPA a list of all reuse permits issued in CY 2015 within 30 days of the end of the calendar year.

**Funding**

State monies and federal (EPA) grants, including Surface Water §106, fund this activity. Staff in DEQ’s State Office Water Quality Division and six DEQ regional offices will complete this activity.

Activity	Level of Effort
Reuse Permitting	7.5 FTE

**Contacts**

Chas Ariss, P.E., DEQ, (208) 373-0561

Michael Lidgard, EPA, NPDES Unit, (206) 553-1755

Maria Lopez, EPA, Idaho NPDES Liaison, (208) 378-5616

**3.2 Provide compliance oversight of reuse permitted facilities.**

**Approach**

Provide oversight of permits for compliance with permit conditions by conducting field inspections and reviewing annual reports. Perform enforcement and compliance actions as needed.

**Outputs**

- a. Complete 50 inspection reports.
- b. Complete 60 annual report reviews.
- c. Report progress semiannually on the number of inspections and annual report reviews completed.

**Schedule**

All performance measures will be met by the end of the calendar year.

**Funding**

This activity is funded by state funds and federal (EPA) grant monies, including Surface Water §106 funds. Staff in DEQ’s Technical Services Division, state office Water Quality Division, and six regional offices will complete this activity.

Activity	Level of Effort
Compliance activities	4.0 FTE

**Contacts**

- Chas Ariss, P.E., DEQ, (208) 373-0561
- Michael Lidgard, EPA, NPDES Unit, (206) 553-1755
- Maria Lopez, EPA, Idaho NPDES Liaison, (208) 378-5616

**3.3 Develop program guidance materials and ensure statewide consistency.**

**Approach**

Staff in DEQ’s state office Water Quality Division will be responsible for developing materials for regional offices to use in implementing the Reuse Permit Program in the field, including direction, guidance, and tracking systems. A guidance development work group, comprised of DEQ representatives, stakeholders, consultants, and individuals, is currently revising the guidance. Higher priority items are being revised first. The effort is expected to be ongoing for several years. Guidance topics that are being worked on include forest application rates; irrigation guidance; rapid infiltration; quality assurance project plan; and plan of operations. An annual permit writer workshop is held with DEQ staff to ensure statewide consistency. Additionally, DEQ coordinates an annual water reuse conference to inform the regulated community and consultants about the latest trends in Recycled Water Rules, implementation, and case studies.

**Outputs**

- a. Provide copies of the most current draft guidance semiannually and final guidance once finalized.
- b. Provide reuse training to new and existing staff as funding is available.
- c. Hold reuse permit writer workshop.
- d. Sponsor and host the annual water reuse conference and related workshops

**Schedule**

All performance measures will be met by the end of the calendar year.

**Funding**

This activity is funded by state funds and federal (EPA) grant monies, including Surface Water §106. Primarily staff in DEQ’s state office Water Quality Division will complete this activity with support from DEQ’s Technical Services Division and the six regional offices.

Activity	Level of Effort
Develop guidance and ensure consistency	1.7 FTE

**Contacts**

Chas Ariss, P.E., DEQ, (208) 373-0561

Michael Lidgard, EPA, NPDES Unit, (206) 553-1755

Maria Lopez, EPA, Idaho NPDES Liaison, (208) 378-5616

**3.4 Water Quality §106 grant performance measures—provide annual performance measure report.**

**Approach**

An annual performance measure report will be provided by DEQ to indicate progress in eliminating pollutants from surface water by reuse permit program activities. Overall, surface water is improved by the reduction of pollutant discharges, ultimately contributing to the goal of the NPDES Program to eliminate pollutant discharge.

**Outputs**

- a. Total gallons annually of wastewater with pollutants eliminated from discharge to surface water by reusing water. Pounds of pollutants removed will also be provided if available for the following constituents: nitrogen, phosphorus, and chemical oxygen demand. A qualitative description will be provided for the various types of reuse permits issued by DEQ to address public health risks.
- b. Total number of facilities that reuse water, thereby reducing the number of new facilities requiring NPDES permits and reducing the backlog of expired and new NPDES permits issued by EPA.

**Schedule**

The annual performance measure report will be provided within 60 days after the end of the calendar year.

**Funding**

Funding for this activity consists of 208 person hours (0.1 work years) from Water Quality §106 funds.

**Contacts**

Chas Ariss, P.E., DEQ, (208) 373-0561

Michael Lidgard, EPA, NPDES Unit, (206) 553-1755

Maria Lopez, EPA, Idaho NPDES Liaison, (208) 378-5616

- 3.5 Manage the On-Site Wastewater Program; revise the *Technical Guidance Manual for Individual and Subsurface Sewage Disposal Systems*, assist the public health districts in issuing on-site permits; review large soil absorption system plans and specifications; and perform nutrient-pathogen evaluations.**

**Approach**

DEQ's state office provides guidance materials and overall management activities related to this program through funding of the §604(b) grant. The regional offices will be responsible for reviewing plans and specifications and ground water impact studies.

**Outputs**

- a. Revise the Technical Guidance Manual.
- b. Provide public health district training, audits, and program reviews.
- c. Review plans and specifications for large soil absorption systems.
- d. Assist in the review of nutrient-pathogen evaluations.

**Schedule**

Activities will be completed on an as-needed basis. Plans and specifications and nutrient-pathogen evaluations will be completed within 42 days of submittal if possible.

**Funding**

Funding for this activity includes Water Quality §106 funds, federal (EPA) §604(b) grant, and state funds.

Activity	Level of Effort
On-site coordination, plan reviews, other guidance, and training	2.22 FTE

**Contacts**

- Chas Ariss, P.E., DEQ, (208) 373-0561
- Tyler Fortunati, DEQ, (208) 373-0140
- Cyndi Grafe, EPA, Idaho Operations Office, (208) 378-5771
- Michael Cox, EPA, Grants and Planning Unit, (206) 553-4269
- Maria Lopez, EPA, Idaho NPDES Liaison, (208) 378-5616

- 3.6 Component commitment.**

**EPA Commitment**

Encourage water reuse where it is a preferable alternative to wastewater discharge to waters of the United States.

## Component 4. Ground Water Program

### Program Goal

The goals of the DEQ Ground Water Program are to protect and improve the quality of the state's ground water and ensure that existing and future beneficial uses including drinking water, agricultural, industrial, and aquaculture water supplies are met. All ground water must be protected against contamination as a valuable public resource per Idaho's "Ground Water Quality Rule" (IDAPA 58.01.11). The quality of degraded ground water must be restored where feasible and appropriate to support designated beneficial uses.

Since October 2005, the Ground Water Program also coordinates source water assessment and protection activities to protect public sources of drinking water.

### Program Activities

Coordinate all ground water and source water protection-related programs funded by EPA in Idaho, develop and implement Ground Water Quality Improvement Plans (GWQIP formerly known as Ground Water Quality Management Plans) in priority areas of the state, develop guidance for interpreting the Ground Water Quality Rule, and implement Idaho's source water protection strategies.

Perform other activities related to the Ground Water Program and source water protection (rule interpretation and implementation, project and contract management, policy development and implementation, public education and outreach, regional/local ground water monitoring, source water assessments for new sources, and source water protection plans and projects).

### Program Contacts

Ed Hagan, DEQ, (208) 373-0356

Susan Eastman, EPA, (206) 553-6249

### Program Commitments

#### Priorities

- Coordinate and integrate development and implementation of GWQIP in nitrate priority areas (NPAs) with Source Water Protection Plans to more efficiently use limited resources.
- Continue ground water monitoring in NPAs and other areas of concern throughout the state to determine the nature and extent of contamination, set a baseline for effectiveness of best management practices (BMPs), and evaluate ground water quality improvement activities.
- Implement the Ground Water Quality Rule and the Idaho Ground Water Quality Plan with other designated agencies through participation in the Idaho Ground Water Protection Interagency Agreement. Signatory parties to the agreement include DEQ,

IDWR, ISDA, Idaho Public Health Districts, and Idaho Soil and Water Conservation Commission.

- Populate DEQ's ground water quality database with new ground water quality data. Continue refinements to DEQ's online mapping applications for the ground water quality database and technical reports to increase accessibility for the public.
- Assist interested parties with implementing source water protection efforts. One avenue of assistance includes distributing source water protection grants. Source water protection grants provide funding for projects that protect sources of public drinking water. Eligible activities include those that reduce the risk of contamination to a drinking water source. Projects must contribute to improved protection of one or more public water supply sources.
- Provide education and outreach, including general ground water education to the public. Promote ground water BMPs to landowners and stakeholders, educate local governments about the responsibilities for ground water protection, and assist with developing ordinances for source water and ground water protection.
- Provide technical hydrogeological support and regulatory assistance to other DEQ programs and state agencies.

#### Outcomes

- Increased number of NPAs with decreasing nitrate concentration trends.
- Minimized risk to public health for populations served by community water systems through implementation of Idaho's source water protection strategies.
- Increased availability of source water assessment information and ground water quality data through online applications to increase public awareness of the source of drinking water and importance of ground water protection to protect drinking water quality.

#### Program Indicators

Program indicators are the number of improvement plans/strategies implemented in areas with degraded ground water quality, as well as percentages of community water systems and/or populations served by community water systems implementing ground water/source protection strategies.

#### 4.1 Manage, oversee, and provide administrative support to the Ground Water Program, and coordinate other ground water activities.

##### Approach

DEQ will administer the Idaho Ground Water Program to ensure statewide consistency with the DEQ state office and regional offices.

##### Outputs

- a. Coordinate Ground Water §106 grant and PPA activities with regional offices during development of their annual work plans and budgets.
- b. Coordinate with EPA to develop the ground water tasks and language in the 2015 PPA and annual Ground Water §106 work plan and budget.

- c. Coordinate Ground Water §106 grant activities with DEQ programs that regulate activities impacting ground water such as water reuse, brownfields projects, and ground water remediation projects.
- d. Conduct monthly program conference calls with DEQ regional office Ground Water Program staff and DEQ Technical Services Division personnel.
- e. Organize and conduct Ground Water Program meetings.
- f. Organize and coordinate training for program staff as needed.
- g. Develop midyear and annual Ground Water §106 grant and PPA reports.
- h. Revise and develop the ground water portion of DEQ's strategic plan.

#### **Schedule**

The schedule will include quarterly coordination calls and semiannual grant reporting calls with EPA. DEQ will contact EPA's project officer to discuss any issues that will affect the successful completion of the grant commitments as soon as DEQ becomes aware of issues.

#### **Funding**

This activity will be funded with a combination of EPA Ground Water §106 funds and state funds. DEQ staff working on this activity will consist of the state office program manager, regional office managers, regional office technical leads, and administrative support. The projected level of effort for this activity is estimated to be 1.1 work year (of which approximately 0.5 work years is funded from the federal Ground Water §106 grant). State general funds will fund 0.6 work years of effort.

#### **Contacts**

Ed Hagan, DEQ, (208) 373-0356

Susan Eastman, EPA, (206) 553-6249

#### **4.2 Coordinate ground water implementation strategies for a comprehensive program with state and federal agency partners.**

##### **Approach**

DEQ will coordinate activities with other agencies for protecting ground water.

##### **Outputs**

- a. Chair the Ground Water Monitoring Technical Committee.
- b. Participate in interagency coordination efforts as needed to fulfill DEQ's obligations as required by statute and the Idaho Ground Water Quality Plan. Existing committees in which DEQ participates include Agricultural Ground Water Coordination Committee, Idaho Ground Water Education Committee, and Idaho Pesticide Management Plan Rule Advisory Group.
- c. Implement the 2008 Idaho Ground Water Protection Interagency Cooperative Agreement and other existing cooperative agreements. Signatory parties to the Idaho Ground Water Protection Interagency Cooperative Agreement include DEQ, IDWR,

ISDA, Idaho Public Health Districts, and Idaho Soil and Water Conservation Commission.

**Schedule**

Ground Water Monitoring Technical Committee meetings are held approximately every 6 months. Other interagency meetings occur on a semiannual to annual basis.

**Funding**

This activity will be funded with a combination of EPA Ground Water §106 funds and state funds. DEQ staff working on this activity will consist of the state office program manager and staff, regional office managers, and regional office technical leads. The projected level of effort for this activity is estimated to be 0.4 work years (of which approximately 0.2 work years is funded from the federal Ground Water §106 grant). State general funds will fund 0.2 work years of effort.

**Contacts**

Ed Hagan, DEQ, (208) 373-0250

Susan Eastman, EPA, (206) 553-6249

- 4.3. Interpret and implement the Idaho Ground Water Quality Rule, develop guidance, and develop policy. Provide hydrogeological support to other DEQ programs and agencies as needed. Provide support for DEQ Quality Management Plan (QMP) implementation.**

**Approach**

Continue implementing the Idaho Ground Water Quality Plan. Coordinate Ground Water Quality Rule interpretation and implementation with DEQ's state office and regional offices.

**Outputs**

- a. Develop guidance documents for interpreting the Idaho Ground Water Quality Rule as needed. Guidance documents may include points of compliance for mining; ground water protection during natural gas development activities; and social and economically justifiable ground water degradation.
- b. Continue to provide hydrogeological support for implementing and enforcing the Ground Water Quality Rule to DEQ staff in other programs and in the regional offices. Assist other state agencies, the general public, and the regulated community as needed.
- c. Continue to provide revisions to DEQ's QMP and assist with developing statewide generic QAPPs and project-specific field sampling plans.

**Schedule**

Final outputs are scheduled for December 31, 2015, and may be subject to change, depending on allocation of state resources and priorities.

**Funding**

This activity will be funded with a combination of EPA Ground Water §106 funds and state general funds. DEQ staff working on this activity will consist of the state office program manager and staff and, to a lesser extent, regional office technical leads. The projected level of effort for this activity is estimated to be 1.8 work years (of which approximately 0.8 work years is funded from the federal Ground Water §106 grant). State general funds will fund 1.0 work years of effort.

**Contacts**

Ed Hagan, DEQ, (208) 373-0356

Susan Eastman, EPA, (206) 553-6249

**4.4 Implement ground water quality improvement activities, including improvement plans, in priority areas of the state.**

**Approach**

DEQ is focusing on combining GWQIPs with source water protection efforts at the county level. By developing county-level information, multiple NPAs within a county can be addressed. DEQ will continue to work with the public and relevant agencies in the area to develop ground water quality improvement strategies. DEQ is educating local governments about their authorities and responsibilities for implementing source water and ground water protection activities.

**Outputs**

- a. GWQIP that are consistent with the Idaho Ground Water Quality Plan, Ground Water Quality Rule, and DEQ policy PM-004, "Policy for Addressing Degraded Ground Water Quality Areas" and contain effective strategies for restoring degraded areas.
- b. Provide education and information to elected officials, such as county commissioners, or local advisory groups, on ground water degradation and the need for source water and ground water protection. Implementation efforts will be directed toward more populous counties containing a large number of source water protection areas and NPAs. Counties exhibiting a desire to implement protection activities will also be prioritized for assistance. Efforts will be directed toward areas where public water systems with high susceptibility scores are clustered.

**Schedule**

Final outputs are scheduled for December 31, 2015, and may be subject to change, depending on allocation of state resources and priorities.

**Funding**

This activity will be funded with state funds. DEQ staff working on this activity will consist of regional office managers and regional office technical leads. The projected level of effort for this activity is estimated to be 1.0 work years of effort. State general funds will fund this effort.

**Contacts**

Toni Mitchell, DEQ, (208) 373-0250

Susan Eastman, EPA, (206) 553-6249

**4.5 Conduct ground water quality monitoring projects and manage ground water quality data.****Approach**

DEQ will work with the public and coordinate with relevant agencies in the area to develop and implement ground water quality monitoring studies. Ground water quality monitoring projects will be coordinated with existing projects underway by other agencies.

**Outputs**

- a. Develop and conduct local or regional monitoring projects to determine baseline ground water quality, to follow-up on detections of concern or complaints, or to evaluate impacts of BMPs or land-use changes on ground water quality.
- b. Continue to populate the DEQ ground water quality database with new ground water quality data. Implement improvements to the database to increase efficiency of data entry. Continue improvements for DEQ's online mapping application to include greater constituent query capabilities and increased data download features.
- c. Prepare an annual report of ground water quality data collected by DEQ or DEQ contractors with public funds during CY 2014.
- d. Participate in the concentrated animal feeding operation (CAFO) site advisory team comprised of members from DEQ, ISDA, and IDWR. The CAFO site advisory team provides suitability determinations for counties to use when considering conditional use or livestock confinement operation permits.
- e. Use geographic information system (GIS) coverages to evaluate nitrate sources and land use in NPSs.
- f. Compile nitrogen isotope results and create a GIS coverage.

**Schedule**

Activities are anticipated to be complete by December 31, 2015. Monitoring projects are not yet identified for CY 2015.

**Funding**

This activity will be funded with a combination of EPA Ground Water §106 funds and state funds. DEQ staff working on this activity will consist of state office program staff, regional office technical leads, and technical services staff. The projected level of effort for this activity is estimated to be 2.0 work years (of which approximately 0.3 work years is funded from the federal Ground Water §106 grant). State general funds will fund 1.7 work years of effort. This is a decrease of 0.2 work years from the previous year.

**Contacts**

Kathryn Elliott, DEQ, (208) 373-0191

Susan Eastman, EPA, (206) 553-6249

**4.6 Manage and implement ground water quality protection strategies for managed aquifer recharge.****Approach**

Continue oversight of ground water quality monitoring activities at managed aquifer recharge sites. Coordinate with DEQ regional offices and other agencies to interpret the Ground Water Quality Rule and authorities under Section 600 of the “Wastewater Rules” (IDAPA 58.01.16) for land application of recharge water. Recharge activities are increasing due to authorization of HB547 providing \$5 million annually to support statewide aquifer stabilization and HB549 authorizing one-time funding of \$4 million to develop infrastructure for managed aquifer recharge activities.

**Outputs**

- a. Continue to work with IDWR at existing and proposed recharge sites to monitor ground water quality potentially impacted by aquifer recharge activities.
- b. Review and make recommendations for water quality monitoring plans for land application by recharge water projects. Continue to support development of managed recharge projects. Participate in aquifer working groups if requested.
- c. Review and provide comments to the IDWR on injection well permits related to aquifer recharge and tracer tests.

**Schedule**

Final outputs are scheduled for December 31, 2015, and are subject to change depending on allocation of state resources and priorities.

**Funding**

This activity will be funded with a combination of EPA Ground Water §106 funds and state funds. DEQ staff working on this activity will consist of state office program staff, regional office managers, regional technical leads, and administrative support. The projected level of effort for this activity is estimated to be 0.4 work years (of which approximately 0.2 work years are funded from the federal Ground Water §106 grant). State general funds will fund 0.2 work years of effort. This is an increase of 0.2 work years over the previous year.

**Contacts**

Toni Mitchell, DEQ, (208) 373-0250

Susan Eastman, EPA, (206) 553-6249

**4.7 Conduct public education and outreach activities, provide staff training, and implement program.**

**Approach**

Continue education and outreach activities to encourage voluntary implementation of ground water protection activities. Activities will be coordinated with other agencies such as the IDWR and Idaho Department of Water Resources.

**Outputs**

- a. Provide informational presentations and technical assistance and respond to public information requests. A monthly average of 10 public information requests is anticipated for each regional office and the state office.
- b. Conduct workshops and open houses and participate in fairs and other community events.
- c. Participate in ground water quality education activities geared toward school teachers and students.
- d. Promote adoption of BMPs for ground water.
  - i. Work more closely with the Idaho Soil and Water Conservation Commission to provide information to the agricultural community.
  - ii. Create GIS coverage of §319 projects and BMPs to compare with NPA GWQIP activities.
- e. Promote use of online mapping applications for ground water quality database, technical reports, and NPAs. Direct public records requests for such data to online applications.

**Schedule**

Final outputs are scheduled for December 31, 2015, and are subject to change depending on allocation of state resources and priorities.

**Funding**

This activity will be funded with a combination of EPA Ground Water §106 funds and state funds. DEQ staff working on this activity will consist of state office program staff, regional office managers, regional technical leads, and administrative support. The projected level of effort for this activity is estimated to be 1.7 work years (of which approximately 0.2 work years are funded from the federal Ground Water §106 grant). State general funds will fund 1.5 work years of effort.

**Contacts**

Ed Hagan, DEQ, (208) 373-0356

Susan Eastman, EPA, (206) 553-6249

**4.8 Conduct source water protection activities.****Approach**

DEQ will coordinate activities with other agencies, cities, and counties, as well as the Idaho Rural Water Association source water protection staff. DEQ will continue to sponsor and/or participate in regional source water protection educational outreach and training events. The source water protection grant program may be discontinued if current funding levels are decreased.

**Outputs**

- a. Number of source water assessments completed for new sources.
- b. Number of source water protection plans completed and/or recertified.
- c. Number of source water protection projects completed.
- d. Number of outreach or educational events.

DEQ will annually provide EPA with a list of completed source water assessments and source water protection plans, an example of one completed source water protection project, and a list of completed projects for the year. DEQ will provide EPA with a summary of the status of the grant program that includes a review of grant accomplishments and descriptions of any new projects if grants are awarded.

**Schedule**

Final outputs scheduled for June 30, 2015.

**Funding**

This activity will be funded by the EPA State Revolving Fund (SRF) wellhead 10% set-aside (1452(g)(2)). DEQ staff working on this activity will consist of state office program staff, and regional office staff, estimated at a level of approximately 8 work years and funded by the SRF wellhead 10% set-aside. This is a decrease of 1 to 2 work years from the previous year.

**Contacts**

Amy Williams, DEQ, (208) 373-0115

Susan Eastman, EPA, (206) 553-6249

**4.9 Component commitments.****DEQ and EPA Commitments**

- a. Review Ground Water Program progress on a semiannual basis. DEQ will contact the EPA project officer to discuss any issues that will affect the successful completion of the grant commitments as soon as DEQ becomes aware of issues.
- b. Continue to improve, maintain, and protect the quality of ground water in Idaho and seek additional resources to implement actions to accomplish that goal.
- c. Continue coordination and communication across program boundaries.
- d. Focus resources in prioritized areas with significant ground water quality degradation and in areas with a high density of public water system wells with high source water assessment susceptibility scores.
- e. Continue to share strategies on successful BMP implementation to reduce nitrate concentrations in areas with degraded ground water.

## Component 5. NPDES Program

### Program Goal

The goal of the NPDES Program is to maintain or improve the waters of the United States, which include surface waters of the state, and eliminate pollutant discharge. EPA currently retains primacy for the NPDES Program in Idaho although DEQ has initiated the process to develop a permit program. EPA is responsible for issuing and enforcing all NPDES permits. DEQ is responsible for certifying compliance of all NPDES permits with water quality standards and performing a negotiated number of compliance inspections per year for EPA. DEQ conducts approximately 50 NPDES inspections per year. DEQ will continue to maintain the capacity to perform tasks identified in the PPA.

### Program Activities

- Perform NPDES compliance inspections.
- Review plans for wastewater facilities construction.
- Certify NPDES permits.
- Track and communicate NPDES-related enforcement actions with EPA.
- Maintain DEQ capacity to perform NPDES compliance inspections.
- Implement the authorization agreement between DEQ and EPA regarding issuance of EPA inspector credentials under the federal Clean Water Act.
- Continue development of an Idaho Pollutant Discharge Elimination System (IPDES) program and the elements of an NPDES program application.

### Program Contacts

Mary Anne Nelson, DEQ (208) 373-0291

A.J. Maupin, DEQ (208) 373-0167

Michael McIntyre, DEQ, (208) 373-0570

Michael Lidgard, EPA, (206) 553-1755

Jeff Kenknight, EPA, (206) 553-6641

### Program Commitments

#### Priorities

- Complete approximately 50 quality assurance (QA)-reviewed NPDES inspections in CY 2015.
- Complete QA-reviewed complaint response inspections as directed by EPA in CY 2015.
- EPA will provide DEQ with a plan for CY 2015–2016 to issue NPDES permits, as well as an annual schedule for CY 2015.

- Use EPA’s plan and DEQ’s §401 guidance to prepare §401 certifications.
- Implement the authorization agreement between DEQ and EPA regarding issuance of EPA inspector credentials.
- Continue development of the IPDES Program.

#### Outcomes

- Fifty QA-reviewed NPDES compliance inspections completed.
- QA-reviewed NPDES complaint response inspections, if they arise and as directed by EPA.
- NPDES certifications performed in a timely manner.
- Maintain the training of DEQ inspectors to be credentialed as specified in EPA Order 3500.1.
- Continue negotiated rulemaking process of IPDES Program development. Hire new staff to develop program and develop a capacity development strategy for 2016–2017 implementation.

#### 5.1 NPDES activities—perform NPDES inspections; certify NPDES permits; review plans and specifications for wastewater facilities construction; track sanitary sewer overflows; and notify EPA of enforcement actions of interest.

##### Approach

To assist in improving waters of the United States, which include surface waters of the state, DEQ will perform compliance inspections for EPA, provide water quality certifications, and review plans and specifications for wastewater facilities construction.

##### Outputs

- Inspection list: EPA and DEQ will negotiate an enforcement confidential DEQ inspection list by December 15 each year. The enforcement confidential list will include the facility name, NPDES permit number, DEQ regional office conducting the inspection, and the quarter in which the inspection will occur.
- Perform inspections consistent with the negotiated annual inspection list. Copies of DEQ’s regional office inspection reports will be e-mailed to A.J. Maupin, [aj.maupin@deq.idaho.gov](mailto:aj.maupin@deq.idaho.gov) as TRIM links, and e-mailed to Maria Lopez, [lopez.maria@epa.gov](mailto:lopez.maria@epa.gov). Maria Lopez will forward the inspection reports to the appropriate EPA Region 10 staff.
- Perform complaint response inspections as needed, and submit reports and associated forms as required for all NPDES inspections. These complaint inspections may be completed by suitably qualified DEQ staff.
- Provide comments on preliminary draft permits and draft §401 certifications as appropriate, and final §401 certifications for proposed final permits.
- Provide plan approval letters for wastewater facilities construction and copy Maria Lopez, EPA, Idaho Operations Office on these letters.
- Provide quarterly reports that include a list of inspections conducted and a list of inspection reports completed during the period. The lists shall include the facility name, permit number, report date, and inspection date. Quarterly reports shall be e-mailed to Maria Lopez, [lopez.maria@epa.gov](mailto:lopez.maria@epa.gov).

- g. Notify EPA of sanitary sewer overflows (sanitary sewer overflows and collection system backups) and enforcement actions of interest. Enforcement actions of interest include biosolids, septage, and unauthorized discharges from reuse facilities to surface waters. Notification shall be e-mailed to Maria Lopez, [lopez.maria@epa.gov](mailto:lopez.maria@epa.gov).
- h. Prepare an annual sanitary sewer overflow report. The report will include a list of all sanitary sewer overflow events by NPDES-permitted and unpermitted facilities, estimated volume, responsible party, receiving water (if any), and solutions. The annual report shall be e-mailed to Maria Lopez, [lopez.maria@epa.gov](mailto:lopez.maria@epa.gov), and e-mailed with a TRIM link to Chas Ariss, [chas.ariss@deq.idaho.gov](mailto:chas.ariss@deq.idaho.gov).
- i. Conduct QA review of all NPDES inspections, including complaint response inspections, by a senior inspector or engineering manager.
- j. Work with EPA to obtain EPA credentials for Idaho inspectors that conduct inspections on EPA's behalf. This output will include a list of credentialed inspectors and staff seeking to become qualified to receive credentials. The list will be provided to EPA no later than May 1, 2015.
- k. Participate in Idaho NPDES primacy discussions.

**Schedule**

Engineering plans and specifications will be reviewed within 42 days (45 days for aquaculture facilities). Water Quality §401 certifications will be issued within 60 days. NPDES compliance inspections will be conducted within the period scheduled, and NPDES compliance inspection reports will be completed within 60 days after inspections are completed and, if possible, within 30 days if no sampling is performed.

**Funding**

This activity will be funded by state and federal (EPA) grant monies, including Surface Water §106 funds. Staff in DEQ's Technical Services Division, state office Water Quality Division, and six regional offices will complete these activities. The level of effort projected for this activity is 16,432 person hours (approximately 7.9 work years).

Activity	Level of Effort
NPDES inspections, sanitary sewer overflow reporting, enforcement coordination, and 8 to 10 complaint response inspections.	2.0 FTE
Review wastewater plans	5.4 FTE
Certify permits	0.5 FTE

**Contacts**

- Mary Anne Nelson, DEQ (208) 373-0291
- Chas Ariss, P.E., DEQ, (208) 373-0561
- Michael McIntyre, DEQ, (208) 373-0570
- Michael Lidgard, EPA, (206) 553-1755
- Jeff Kenknight, EPA, (206) 553-6641

**5.2 Coordinate biosolids and stormwater activities.**

**Approach**

Coordinate responses to questions on stormwater and biosolids programs with EPA, other state agencies, and the regulated community.

**Outputs**

- a. DEQ will continue to provide compliance assistance to EPA’s permit writer, particularly related to reissuance of the stormwater construction general permit, the multisector general permit, and assistance to local municipalities complying with municipal separate storm sewer system (MS4) NPDES permits.
- b. Depending on EPA-sponsored training, DEQ will begin to develop inspection capabilities for other sectors during this PPA cycle. EPA will provide training as resources allow to DEQ inspectors.
- c. DEQ will review proposals for land application of biosolids and domestic septage and will approve or disapprove land application sites in accordance with state regulations (IDAPA 58.01.16.650 and IDAPA 58.01.15).
- d. DEQ will revise and promote DEQ’s Catalog of Stormwater BMPs as needed.
- e. DEQ will provide basic information and referrals on stormwater issues.
- f. DEQ will provide draft and final §401 certifications as appropriate for MS4 stormwater permits and statewide stormwater general permits.

**Schedule**

Activities will be completed on an as-needed basis.

**Funding**

Activities are funded in part by a federal Water Quality §106 grant.

Activity	Level of Effort
Biosolids	0.75 FTE
Stormwater	Not budgeted as separate line item

**Contacts**

- Chas Ariss, P.E., DEQ, (208) 373-0561
- Michael Le, EPA, Biosolids, (206) 553-1099
- Misha Vakoc, EPA, Stormwater, (206) 553-6650
- Jeff Kenknight, EPA, (206) 553-6641

### 5.3 Development of an Idaho Pollutant Discharge Elimination System Program.

#### Approach

DEQ will continue the development of an IPDES program and application consistent with the requirements of the Clean Water Act, federal regulations, and state authority. The application is targeted for completion and submittal to EPA by September 1, 2016, consistent with state legislation.

#### Outputs

- a. DEQ will initiate a negotiated rulemaking process in order to develop the necessary program elements including updated resource assessment, funding strategy, rule development, guidance development, draft of additional state statutes, memorandum of agreement, other application elements as required by the Clean Water Act. DEQ will also hire staff in 2015 to assist in program development as previously authorized by state legislation.
- b. EPA will actively participate in the negotiated rulemaking process. EPA will provide support to the development of the work products cited above. EPA support will include review of draft documents for consistency with national regulations and policy, provide examples of work products used elsewhere in Region 10 and nationally as necessary, and provide other input as requested by DEQ. EPA Region 10 will also involve appropriate EPA headquarters offices, including the Office of Water, Office of General Council, and Office of Compliance and Enforcement, with the goal of producing work products that are complete and ultimately can meet EPA approvability criteria.
- c. EPA and DEQ will begin to develop a strategy to build NPDES capacity in Idaho in advance of program approval. Efforts in 2015 will focus on new staff hires and development of strategies for 2016. Available strategies include training, development of permit work templates and models, and work share and work shadowing efforts for example.

#### Schedule

Negotiated rulemaking will begin in late 2014. Other activities will be scheduled through the rulemaking process.

#### Contacts

Mary Anne Nelson, DEQ, (208) 373-0291

Karen Burgess, EPA, (206) 553-1644

### 5.4 Component commitments.

#### EPA Commitments

- a. Work with DEQ to determine the annual NPDES compliance inspection schedule by November 15.

- b. Implement EPA's CY 2015–2016 operating plan to reduce the backlog of expired NPDES permits and issue permits to new sources. This plan, with the list of targeted permits, will be shared with DEQ and will be updated yearly so that DEQ can properly manage §401 certification and mixing zone evaluation responsibilities.
- c. Provide a schedule of Phase 2 MS4 stormwater, construction, and all other stormwater-related permitting activities by January 2015.
- d. EPA shall provide DEQ with specific points of contact within the EPA Center for Excellence in Biosolids for technical assistance and guidance in addressing biosolid issues in Idaho.

**DEQ Commitments**

- a. Submit completed NPDES compliance inspection reports and complaint response inspection reports in a timely manner to Maria Lopez, *lopez.maria@epa.gov*, EPA.
- b. On a quarterly basis, provide a report to Maria Lopez, EPA, summarizing inspections conducted.
- c. Complete NPDES draft permit reviews and §401 certifications.
- d. Review wastewater construction plans.
- e. Review proposals for land application of biosolids and domestic septage and approve or disapprove land application sites in accordance with state regulations.
- f. Assist EPA in implementing the Phase 2 MS4 Stormwater Program in Idaho by providing input into permitting.
- g. Track sanitary sewer overflows and report to EPA on an annual basis.
- h. Communicate enforcement actions of interest with EPA.
- i. Maintain NPDES credentialing program at DEQ to provide an avenue for new employees to become credentialed inspectors.

## Component 6. Drinking Water and Wastewater Loan Programs

### Program Goal

The goal of the Drinking Water and Wastewater Loan Programs is to improve environmental protection and public health through construction, operation, maintenance, and management of drinking water and water pollution NPS and point source treatment facilities.

### Program Activities

- Manage the Drinking Water and Water Pollution Control Loan Programs.
- Fund NPS projects.
- Manage the state grant programs for drinking water and wastewater projects.
- Manage congressionally mandated projects funded through State and Tribal Assistance Grants (STAG).

### Program Contacts

Tim Wendland, DEQ, (208) 373-0439

Rick Green, Drinking Water, EPA, (206) 553-8504

Bryan Fiedorczyk, Wastewater, EPA, (206) 553-0506

Joel Salter, EPA, (503) 326-2653

William Chamberlain, EPA, (206) 553-8515

### Program Commitments

#### Priorities

- Fully utilize capacity development set-aside resources made available to issue drinking water planning grants and loan funds to improve drinking water system infrastructure.
- Fully utilize wastewater loan fee resources made available to issue planning grants, loan funds to improve wastewater system infrastructure, and issue NPS sponsorship loans for purposes that could include point source solutions to NPS problems and agricultural activities. Coordinate with the §319 NPS Program and TMDL Program.
- Report on environmental and public health outcomes by completing an environmental or public health benefits evaluation for each project in EPA's environmental benefits system for the Clean Water State Revolving Fund (CWSRF) or public health benefits system for the Drinking Water State Revolving Fund (DWSRF).
- Implement, monitor, and control procedural frameworks to achieve the following:
  - Sponsor NPS projects through §212 point source loans.
  - Provide facility planning grants that allow optional environmental assessments.
  - Investigate the feasibility of using bonding to meet growing wastewater loan demand.

**6.1 Manage the Drinking Water and Wastewater Loan Programs.****Approach**

For each loan program, execute loan commitments for at least an amount equal to that required and defined in federal statute. Maintain correct federal and state funding ratios by drawing federal funds for each loan program in the proper proportional amounts.

**Outputs**

- a. Negotiate loan agreements regarding projects listed on the Intended Use Plans in a timely manner for amounts consistent with federal requirements
- b. Prepare annual reports for the CWSRF and DWSRF.
- c. Gather and assess comments relating to web-based loan handbooks. Make minor corrections to the handbooks on an ad hoc basis, while collecting substantive comments for a follow-up public comment period.
- d. Support CWSRF administrative costs, planning efforts, and wastewater operator training efforts with CWSRF loan fee revenues.
- e. Transfer excess DWSRF 4% administrative set-aside funds into the loan fund.
- f. Report CWSRF fee use in the CWSRF annual report.

**Schedule**

Loans are negotiated throughout the state fiscal year (SFY), which ends June 30. The Water Pollution Control annual report is due 90 days after the end of the SFY, and the Drinking Water Annual Report is due 120 days after the end of the SFY.

**Funding**

This activity will be funded by the 4% administrative set-aside portion of both SRFs, loan fees, and one-time state funds. Eight work years will be budgeted to the SRFs. This includes DEQ's state office Water Quality Division, Technical Services Division, and regional office staff.

**Contacts**

Tim Wendland, DEQ, (208) 373-0439

Rick Green, Drinking Water, EPA, (206) 553-8504

Bryan Fiedorczyk, Wastewater, EPA, (206) 553-0506

**6.2 Fund nonpoint source projects.****Approach**

Fund nonpoint source projects to improve surface water quality in areas where TMDLs have been developed and approved and to fund ground water quality improvement projects in areas where ground water is degraded.

**Outputs**

A priority list for SFY 2015 was prepared and issued for public comment.

**Schedule**

The Board of Environmental Quality will act upon the proposed, SFY 2016 Intended Use Plan, May 2015.

**Funding**

DEQ staff time used for making NPS sponsorship project loans will be charged against the 4% CWSRF set-aside for administration and state appropriation.

**Contacts**

Tim Wendland, DEQ, (208) 373-0439

Bryan Fiedorczyk, Wastewater, EPA, (206) 553-0506

**6.3 Conduct planning grant programs for drinking water and wastewater projects.****Approach**

Develop an annual wastewater and drinking water grant project priority list.

**Outputs**

- a. Compile priority lists of grant projects in April 2015.
- b. Review applications from potential applicants expected to submit grant applications during SFY 2015.
- c. Report DWSRF set-aside expenditures for this activity via the DWSRF program annual report.

**Schedule**

Grants are negotiated throughout the SFY, which ends June 30.

**Funding**

Funding for grant program's staff is provided through the CWSRF and DWSRF fee revenues and DWSRF set-asides. Approximately 4.4 work years statewide is typically budgeted.

**Contacts**

Tim Wendland, DEQ, (208) 373-0439

Rick Green, EPA, (206) 553-8504

Bryan Fiedorczyk, Wastewater, EPA, (206) 553-0506

**6.4 Manage congressionally mandated STAG-funded projects.**

**Approach**

Manage congressionally mandated STAG-funded projects to ensure timely project completion.

**Outputs**

Process reimbursement requests, review change orders, conduct project inspections, and prepare closeout packages, as detailed in the 2011 DEQ 3% set-aside program grant (scope of work) documents. It is expected that the final Special Appropriation Act Project grants will be finalized during SFY 2016.

**Funding**

Funding for DEQ staff time for administration and oversight of these EPA wastewater and drinking water construction grant projects will come from the 3% set-aside monies in the respective grants awarded to DEQ.

**Contacts**

Tim Wendland, DEQ, (208) 373-0439

Joel Salter, EPA, (503) 326-2653

**6.5 Monitor implementation of the Clean Water Act reauthorization changes.**

**Approach**

Monitor implementation of Clean Water Act reauthorization CWSRF impacts in loan agreements signed post-October 1, 2014.

**Outputs**

- a. Market changes to stakeholders.
- b. Prepare statute and rule changes to incorporate Clean Water Act reauthorization changes.
- c. Amend CWSRF Operating Agreement to incorporate Clean Water Act reauthorization.

**Funding**

Funding for this evaluation will consist of 4% CWSRF and DWSRF administration set-aside funds.

**Contacts**

Tim Wendland, DEQ, (208) 373-0439

Bryan Fiedorczyk, EPA, (206) 553-0506

**6.6 Component commitments.****DEQ Commitments**

- a. Follow all terms and conditions outlined in the operating agreements, yearly capitalization grant agreements, federal statutes, regulations, and published national guidance and policies for both SRF loan programs.
- b. Submit annual SRF reports to EPA as required.
- c. Complete annual development, review, and modification of the Intended Use Plans for both SRF loan programs.
- d. Pursue including NPS projects in traditional CWSRF loans.

**EPA Commitments**

- a. Conduct timely annual reviews and written reports of both SRF loan programs.
- b. Provide DEQ with advice and consultation as requested and updated program guidance from EPA headquarters as it becomes available.
- c. Provide timely, informative, and accurate advice regarding SRF program implementation and development questions from DEQ.

## Component 7. Safe Drinking Water Program

### Program Goal

The goal of DEQ's Safe Drinking Water Program is to assist and support public water systems to ensure the reliable delivery of safe drinking water.

### Objectives

- Public water systems that are located, designed, constructed, operated, maintained, and protected to reliably meet drinking water health-based standards.
- Public water systems serving drinking water that meets all health-based standards.

### Program Contacts

Jerri Henry, DEQ, (208) 373-0471

Marie Jennings, Unit Manager, EPA, (206) 553-1893

### Outcomes, Targets, and Activities

#### 7.1 Public health outcomes and indicators.

- a. Successfully address statewide compliance issues according to EPA's Drinking Water Enforcement Response Policy (ERP 2009).
- b. Absence of reported waterborne disease outbreaks.

#### 7.2 Outcome and output targets.

- a. Percent of *person months* (i.e., all persons served by community water systems over 12 months—EPA's Strategic Target SP-2) during which community water systems provide drinking water that meets all applicable health-based drinking water standards. Target = 95%.

The state acknowledges there are additional EPA national performance measures to assess public water systems serving drinking water that meets all health-based standards (Subobjective 2.1.1, percent of the *population*, and Strategic Target SP-1, percent of *community water systems*). For the state reporting measure, DEQ uses the *percent of person months*. However, the state reviews and tracks the other national quarterly performance measure results provided by EPA.

- b. "Timely" and "appropriate" response (ERP 2009) of 97 public water systems listed on the Enforcement Targeting Tool (ETT) (ERP 2009) list between July 2014 and June 2015.

**7.3 Activities/performance measures.**

<p><b>Objective 1:</b> Public water systems that are located, designed, constructed, operated, maintained, and protected to reliably meet drinking water health-based standards.</p>	<p><b>Objective 2:</b> Public water systems serving drinking water that meets all health-based drinking water standards.</p>
<p>Activities/performance measures for contamination prevention and supporting activities:</p> <ul style="list-style-type: none"> <li>• Number of sanitary surveys completed</li> <li>• Percentage of public water systems with current sanitary surveys</li> <li>• Percentage of community water systems that have current sanitary surveys (3-year frequency, except 5-year frequency for outstanding performers)</li> <li>• Number of engineering projects completed</li> <li>• Number of outreach products</li> </ul>	<p>Activities/performance measures for compliance indicators and supporting activities:</p> <ul style="list-style-type: none"> <li>• Percentage of public water systems in significant compliance with health-based standards</li> <li>• Number of acute microbial and surface water treatment failure events resolved</li> <li>• Number of chemical maximum contaminant level events addressed</li> <li>• Percentage of systems with a consent order in compliance with the terms of their consent order</li> </ul>

**Program Commitments**

**7.4 DEQ and EPA drinking water partnership commitments and schedule.**

- a. Coordinate at least twice per year to discuss the ETT, compliance issues, and Drinking Water Program performance issues. At least one of the meetings will be face-to-face. Timing usually coincides with the Idaho PPA schedule and DWSRF Annual Review (spring/fall).
- b. Maintain collaboration on state laboratory certification.
- c. Cooperate and coordinate on issues related to the new rule implementation.
- d. Cooperate to resolve data quality issues.
- e. Consult in situations concerning imminent and substantial endangerment to public as outlined in 7.6.i below.

**7.5 DEQ agrees to the following:**

- a. Perform the primary responsibility to enforce the Safe Drinking Water Act (SDWA) and associated regulations where recognized through approval of state regulations, acceptance of state programs, and formal delegation of authority from the EPA.
- b. Upload on time the Safe Drinking Water Information System (SDWIS/state) data to EPA.
- c. Provide EPA with semiannual performance measure reports in the format used by DEQ.
- d. Implement new rules on schedule unless formal extension agreements are made in accordance with 40 CFR 142.12.
- e. Take timely and appropriate enforcement actions (ERP 2009) to address SDWA violations. Quarterly, report to EPA the status of public water systems identified as a

“priority” for returning to compliance or an enforcement response. Provide copies of enforcement orders upon request from EPA.

- f. Respond to findings in the EPA annual program evaluation by addressing recommendations and implementing necessary actions as appropriate.

**7.6 EPA agrees to the following:**

- a. Develop standard operating procedures to provide courtesy notifications and collaborate with DEQ regarding action EPA takes in Idaho related to safe drinking water.
- b. Provide DEQ quarterly with the ETT list and national performance measure results for Idaho.
- c. Submit Drinking Water Program requests for information and work tasks with and through the DEQ state program office only.
- d. Reduce administrative demands on the state by limiting reporting requirements to semiannual reports and obtaining necessary reports and information from SDWIS when possible.
- e. Provide rule interpretation and assistance, advance notification of training opportunities and updates of Unregulated Contaminant Monitoring Rule implementation and other relevant issues.
- f. Participate in quarterly DEQ regional compliance meetings and attend Idaho Drinking Water Advisory Committee meetings via teleconference or in person as time permits.
- g. Continue to collaborate with state contacts to develop a SDWIS/state version of the SDWIS/FED ETT. The intent is to share the SDWIS/state query with all the primacy agencies.
- h. Review and evaluate annually the state’s progress in implementing the provisions and requirements of this agreement and other agreements documenting delegations of responsibility from EPA to the state.
- i. EPA may become involved in SDWA enforcement at public water systems when an eminent and substantial endangerment to public health exists (SDWA Section 1431); the state requests EPA’s enforcement support; or the EPA deems that the state’s response to address a noncompliant public water system has not been timely or appropriate. After consultation with the state, the EPA also reserves its right to consider enforcement against public water systems, which are not identified as a “priority” for enforcement under the ERP where the state has not taken timely or appropriate action.

7.7 Safe Drinking Water Program resources matrix.

Activities	PWSS Base Grant	DWSRF 2% Technical Assistance Set-Aside (1452(g))	DWSRF Capacity Development Set-Aside (1452(k))	PWSS 10% Set-Aside (1452(g)(2))	Hours/FTEs
Report data to EPA using SDWIS/state	X	—	—	X	9,022 hours/ 4.34 FTEs
Submit primacy applications for, and implement requirements of new state rules	X	—	—	—	5,255 hours/ 2.53 FTEs
Address compliance for surface water systems	X	—	—	—	354 hours/ 0.17 FTEs
Conduct sanitary surveys	X	—	X	—	6,720 hours/ 3.23 FTEs
Implement capacity development strategy	X	—	X	—	1,443 hours/ 0.69 FTEs
Review plans and specifications	X	X	—	—	15,263 hours/ 7.34 FTEs
Provide drinking water engineering services and support	X	—	—	—	620 hours/ 0.30 FTEs
Perform drinking water primacy core activities (public education, fee assessments, public health district contract management, laboratory certification program, consumer confidence reports, annual confidence reports, drinking water security, and drinking water operating licenses).	X	—	—	X	21,997 hours/ 10.88 FTEs

DEQ/EPA Water PPA—CY 2015

Idaho DEQ	EPA Region 10
Jerri Henry, Drinking Water Program Manager (208) 373-0471	Marie Jennings, Drinking Water Manager (206) 553-1893
Vacant, Field Services Supervisor	William Chamberlain, operator certification, capacity development, DWSRF set-aside reviews, Area-Wide Optimization Plan (206) 553-8515
Vacant, Rule/Policy and Compliance/Enforcement Supervisor	Eric Winiecki, compliance and enforcement measures and ETT list, water team security (206) 553-6904
Curtis Stoehr, Capacity Development Coordinator (208) 373-0542	Cyndi Grafe, Idaho Field Operations Idaho PWSS project officer and Revised Total Coliform Rule (208) 378-5771
Bryan Zibbell, Regulatory Specialist Enforcement, Lead and Copper Rule, Radionuclides Rule (208) 373-0343	Rick Green, Grants and Loans DWSRF and Set-Asides Project Officer (206) 553-8504
Olga Cuzmanov, Rules Coordinator Surface water treatment rules, disinfection byproduct rules, engineering rules (208) 373-0449	Wendy Marshall, Microbial Rules, Ground Water Rule, Disinfection Byproduct Rules, Lead and Copper Rule, Consumer Confidence Rule, Public Notification Rule, Revised Total Coliform Rule (206) 553-1890
Monica Van Bussum, SDWIS/State Coordinator (208) 373-0111	Jane Schuster, SDWIS/Federal (206) 553-1096
Lindsey Stanton, Administrative Assistant (208) 373-0120	Fredianne Gray, Chemical Rules, Unregulated Contaminant Monitoring Regulations, laboratory certifications, contaminant candidate list, nitrates, Radionuclides Rule (206) 553-6387

# Nonpoint Source Grant Agreement

C9 - 00045013 - 0 Page 1

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Grant Agreement</b>	<b>GRANT NUMBER (FAIN):</b> 00045013 <b>MODIFICATION NUMBER:</b> 0 <b>PROGRAM CODE:</b> C9	<b>DATE OF AWARD</b> 07/02/2013
		<b>TYPE OF ACTION</b> Continuation	<b>MAILING DATE</b> 07/09/2013
		<b>PAYMENT METHOD:</b>	<b>ACH#</b> X0035
		<b>RECIPIENT TYPE:</b> State	
<b>RECIPIENT:</b> ID Dept. of Environmental Quality 1410 North Hillton Boise, ID 83706-1255 EIN: 82-6009952		<b>PAYEE:</b> ID Dept. of Environmental Quality 1410 North Hillton Boise, ID 83706-1255	
<b>PROJECT MANAGER</b> Doug McRoberts 1410 North Hillton Boise, ID 83706-1255 <b>E-Mail:</b> douglas.mcroberts@deq.idaho.gov <b>Phone:</b> 208-373-0497	<b>EPA PROJECT OFFICER</b> Rick Seaborne 1200 Sixth Avenue, Suite 900, OWW-134 Seattle, WA 98101 <b>E-Mail:</b> Seaborne.Rick@epa.gov <b>Phone:</b> 206-553-8510	<b>EPA GRANT SPECIALIST</b> John Schaub 1200 Sixth Avenue, Suite 900, OMP-145 Seattle, WA 98101 <b>E-Mail:</b> Schaub.John@epa.gov <b>Phone:</b> 206-553-6129	
<b>PROJECT TITLE AND DESCRIPTION</b> IDEQ CWA 319 Non-Point Source  Nonpoint Source Program grants are awarded under Section 319(h) of the Clean Water Act for the purposes of assisting States and Tribes in implementing their approved nonpoint source management programs. Projects emphasize watershed-based planning and project implementation to solve high priority nonpoint source water quality problems.			
<b>BUDGET PERIOD</b> 06/01/2013 - 05/31/2018	<b>PROJECT PERIOD</b> 06/01/2013 - 05/31/2018	<b>TOTAL BUDGET PERIOD COST</b> \$3,058,355.00	<b>TOTAL PROJECT PERIOD COST</b> \$3,058,355.00
<b>NOTICE OF AWARD</b>  Based on your Application dated 06/06/2013 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$1,835,000. EPA agrees to cost-share 60.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$1,835,000. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.			
<b>ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)</b>		<b>AWARD APPROVAL OFFICE</b>	
<b>ORGANIZATION / ADDRESS</b> EPA Region 10 Mail Code: OMP-145 1200 Sixth Avenue, Suite 900 Seattle, WA 98101		<b>ORGANIZATION / ADDRESS</b> U.S. EPA, Region 10 Office of Water and Watersheds 1200 Sixth Avenue, Suite 900 Seattle, WA 98101	
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>			
Digital signature applied by EPA Award Official for Armina K. Nolan - Manager - Grants and Interagency Agreements Unit Tony Fournier - Award Official delegate			<b>DATE</b> 07/02/2013

Reviewed and accepted for the

DEQ Director by:

  
 Authorized Signature Date

**EPA Funding Information**

CS - 00045013 - 0 Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 1,835,000	\$ 1,835,000
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$ 375,405	\$ 375,405
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$ 847,950	\$ 847,950
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 3,058,355	\$ 3,058,355

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.460 - Nonpoint Source Implementation	Clean Water Act: Sec. 319(h)	40 CFR PTS 31 & 35 SUBPT A

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
	1310MCG001	13	E1	10M2	202B01	4117			1,835,000
									1,835,000

C9 - 00045013 - 0 Page 3

## Budget Summary Page

<b>Table A - Object Class Category (Non-construction)</b>	<b>Total Approved Allowable Budget Period Cost</b>
1. Personnel	\$490,365
2. Fringe Benefits	\$205,953
3. Travel	\$8,488
4. Equipment	\$0
5. Supplies	\$1,800
6. Contractual	\$0
7. Construction	\$0
8. Other	\$2,119,875
9. Total Direct Charges	\$2,826,481
10. Indirect Costs: % Base	\$231,874
11. Total (Share: Recipient <u>40.00</u> % Federal <u>60.00</u> %.)	\$3,058,355
12. Total Approved Assistance Amount	\$1,835,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$1,835,000
15. Total EPA Amount Awarded To Date	\$1,835,000

## Administrative Conditions

### 1. Payment Methods

a. The Debt Collection Improvement Act of 1996 requires that Federal payments be made by electronic funds transfer. In order to comply with the Act, a recipient must receive payments via one of two electronic methods available to them:

#### Automated Standard Application for Payments (ASAP)

The ASAP system is the preferred method of payment for EPA grantees. ASAP enrollment is highly encouraged for organizations that have multiple grants/cooperative agreements and for those with a frequent need to request funds. If your organization uses multiple bank accounts for EPA grants/cooperative agreements, you must enroll in ASAP. If you are interested in receiving funds electronically via ASAP, please complete the ASAP Initiate Enrollment form located at <http://www.epa.gov/ocfo/finservices/forms.htm> and email it to LVFC-grants@epa.gov or fax it to LVFC at 702-798-2423

Under this payment mechanism, the Recipient initiates, via ASAP, an electronic payment request which is approved or rejected based on the amount of available funds authorized by EPA in the Recipient's account. Approved funds are credited to the recipient organization at the financial institution identified on the recipient's ASAP enrollment application. Additional information concerning ASAP and enrollment can be obtained by contacting the EPA Las Vegas Finance Center, at (702) 798-2485, or by visiting [www.fms.treas.gov/asap](http://www.fms.treas.gov/asap).

#### Electronic Funds Transfer (EFT)

Under this payment mechanism, the EPA Las Vegas Finance Center will obtain your organization's banking information from your System for Award Management (SAM) registration. Upon completion of required Regional training, a Las Vegas Finance Center Representative will send you an email message with your EFT Control Number and payment information. Additional information concerning EFT can be obtained by contacting the EPA Las Vegas Finance Center at (702) 798-2485, or by visiting <http://www.epa.gov/ocfo/finservices/payinfo.htm>

**NOTE:** If your banking information is not correct or changes at any time prior to the end of your agreement, please update your SAM registration and notify the EPA Las Vegas Finance Center as soon as possible so the new banking information can be retrieved. This is vital to ensure proper and timely deposit of funds.

b. In accepting this assistance agreement, the recipient agrees to draw cash only as needed for its disbursement. Failure on the part of the recipient to comply with this condition may cause the undisbursed portions of the assistance agreement to be revoked and financing method changed to a reimbursable basis.

### 2. Cost Principles/Indirect Costs for State Agencies

The cost principles of OMB Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments," relocated to 2 CFR Part 225, is applicable, as appropriate, to this award.

If the recipient does not have a previously established indirect cost rate, it agrees that it will prepare its indirect cost rate proposal and/or cost allocation plan and in accordance with OMB Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments." For proposal preparation, the recipient may use the appropriate completeness checklist located at: <http://www.aqd.nbc.gov/indirect/indirect.asp>.

The recipient must send its proposal to its cognizant federal agency within six (6) months after the close of the governmental unit's fiscal year. If EPA is the cognizant federal agency, the state recipient must send its indirect cost rate proposal within six (6) months after the close of the governmental unit's fiscal year to:

#### Regular Mail

Financial Analysis and Rate Negotiation Service Center

Office of Acquisition Management  
 U.S. Environmental Protection Agency  
 1200 Pennsylvania Avenue, NW, MC 3802R  
 Washington, DC 20460

Mail Courier (e.g. FedEx, UPS, etc.)

Financial Analysis and Rate Negotiation Service Center  
 Office of Acquisition Management  
 US Environmental Protection Agency  
 1300 Pennsylvania Avenue, NW, 6th floor  
 Bid and Proposal Room Number 61107  
 Washington, DC 20004

Recipients are entitled to reimbursement of indirect costs, subject to any statutory or regulatory administrative cost limitations, if they have a current rate agreement or have submitted an indirect cost rate proposal to their cognizant federal agency for review and approval. Recipients are responsible for maintaining an approved indirect cost rate throughout the life of the award. Recipients are responsible for submitting any subsequent rate proposals to the appropriate cognizant agency no later than 180 days after the end of the recipient's fiscal year. Recipients may draw down grant funds once a provisional or final rate has been approved, and only for indirect costs incurred during the period specified in the rate agreement. Recipients are not entitled to indirect costs for any period in which the rate has expired. Recipients may not draw down grant funds for any indirect costs which were not incurred during the period of the approved rate agreement.

Recipients with differences between their provisional rates and final rates are not entitled to more than the award amount, without EPA approval. Recipients may request supplemental amendments (to grants which have not expired or been closed out) for additional funding to cover increased indirect costs. EPA approval of a supplemental amendment is subject to the availability of funds.

Pursuant to 40 CFR 31.26, a recipient agrees to comply with the audit requirements prescribed in the Single Audit Act Amendments, and revised OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," including Subpart C Section 305(b) which addresses the restriction on auditors preparing indirect cost proposals.

### 3. Federal Financial Report (FFR)

Recipients shall submit final Federal Financial Reports (FFR), Standard Form 425 (SF-425), to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at <http://www.epa.gov/ocfo/finservices/forms.htm>. All FFRs must be submitted to the Las Vegas Finance Center: US EPA, LVFC, 4220 S. Maryland Pkwy Bldg C, Rm 503, Las Vegas, NV 89119, or by FAX to: 702-798-2423.

The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

EPA may take enforcement actions in accordance with 40 CFR 30.62 and 40 CFR 31.43 if the recipient does not comply with this term and condition.

### 4. Audit Requirements

In accordance with OMB Circular A-133, which implements the Single Audit Act, the recipient hereby agrees to obtain a single audit from an independent auditor, if it expends \$500,000 or more in total Federal funds in any fiscal year. Within nine months after the end of a recipient's fiscal year or 30 days after receiving the report from the auditor, the recipient shall submit the SF-SAC and a Single Audit Report Package. **The recipient MUST** submit the SF-SAC and a Single Audit Report Package, using the Federal Audit Clearinghouse's Internet Data Entry System. Complete information on how to accomplish the single audit submissions, you will need to visit the Federal Audit Clearinghouse Web site: <http://harvester.census.gov/fac/>.

### 5. Hotel-Motel Fire Safety Act

Pursuant to 40 CFR 30.18, if applicable, and 15 USC 2225a, the recipient agrees to ensure that all space for conferences, meetings, conventions, or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act.

## 6. Recycled Paper

### **INSTITUTIONS OF HIGHER EDUCATION HOSPITALS AND NON-PROFIT ORGANIZATIONS:**

In accordance with 40 CFR 30.16, the recipient agrees to use recycled paper and double sided printing for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration.

### **STATE AGENCIES AND POLITICAL SUBDIVISIONS:**

In accordance with Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962) any State agency or agency of a political subdivision of a State which is using appropriated Federal funds shall comply with the requirements set forth. Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price exceeds \$10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more. RCRA Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247.

### **STATE AND LOCAL INSTITUTIONS OF HIGHER EDUCATION AND NON-PROFIT ORGANIZATIONS:**

In accordance with 40 CFR 30.16, State and local institutions of higher education, hospitals, and non-profit organizations that receive direct Federal funds shall give preference in their procurement programs funded with Federal funds to the purchase of recycled products pursuant to EPA's guidelines.

### **STATE TRIBAL AND LOCAL GOVERNMENT RECIPIENTS:**

In accordance with the polices set forth in EPA Order 1000.25 and Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management (January 24, 2007), the recipient agrees to use recycled paper and double sided printing for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration.

## 7. Lobbying

### **ALL RECIPIENTS:**

The recipient agrees to comply with Title 40 CFR Part 34, *New Restrictions on Lobbying*. The recipient shall include the language of this provision in award documents for all subawards exceeding \$100,000, and require that subrecipients submit certification and disclosure forms accordingly.

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

### **PART 30 RECIPIENTS:**

All contracts awarded by a recipient shall contain, when applicable, the anti-lobbying provision as stipulated in the Appendix at Title 40 CFR Part 30.

Pursuant to Section 18 of the Lobbying Disclosure Act, the recipient affirms that it is not a nonprofit organization described in Section 501(c)(4) of the Internal Revenue Code of 1986; or that it is a nonprofit organization described in Section 501(c)(4) of the Code but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act.

## 8. Lobbying and Litigation

### **ALL RECIPIENTS:**

The chief executive officer of this recipient agency shall ensure that no grant funds awarded under this assistance agreement are used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. The recipient shall abide by its respective OMB Circular (A-21, A-87, or A-122), which prohibits the use of Federal grant funds for litigation against the United States or for lobbying or other political activities.

#### 9. Suspension and Debarment

Recipient shall fully comply with Subpart C of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Responsibilities of Participants Regarding Transactions (Doing Business with Other Persons)." Recipient is responsible for ensuring that any lower tier covered transaction as described in Subpart B of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Recipient acknowledges that failing to disclose the information as required at 2 CFR 180.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipient may access the Excluded Parties List System at [www.epls.gov](http://www.epls.gov). This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

#### 10. Drug-Free Workplace Certification for all EPA Recipients

The recipient organization of this EPA assistance agreement must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 2 CFR Part 1536 Subpart B. Additionally, in accordance with these regulations, the recipient organization must identify all known workplaces under its federal awards, and keep this information on file during the performance of the award.

Those recipients who are individuals must comply with the drug-free provisions set forth in Title 2 CFR Part 1536 Subpart C.

The consequences for violating this condition are detailed under Title 2 CFR Part 1536 Subpart E. Recipients can access the Code of Federal Regulations (CFR) Title 2 Part 1536 at <http://ecfr.gpoaccess.gov>.

#### 11. Management Fees

Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term "management fees or similar charges" refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this assistance agreement. Management fees or similar charges may not be used to improve or expand the project funded under this agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

#### 12. Reimbursement Limitation

If the recipient expends more than the amount of federal funding in its EPA approved budget in anticipation of receiving additional funds from EPA, it does so at its own risk. EPA is not legally obligated to reimburse the recipient for costs incurred in excess of the EPA approved budget.

#### 13. Trafficking in Persons

##### a. Provisions applicable to a recipient that is a private entity.

1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—
  - i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
  - ii. Procure a commercial sex act during the period of time that the award is in effect; or
  - iii. Use forced labor in the performance of the award or subawards under the award.
2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if

you or a subrecipient that is a private entity —

- i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
- ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—
  - A. Associated with performance under this award; or
  - B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our Agency at 2 CFR 1532.

b. *Provision applicable to a recipient other than a private entity.* We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—
  - i. Associated with performance under this award; or
  - ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR 1532.

c. *Provisions applicable to any recipient.*

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
  - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
  - ii. Is in addition to all other remedies for noncompliance that are available to us under this award.
3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

d. *Definitions.* For purposes of this award term:

1. "Employee" means either:
  - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
  - ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.

#### 14. Trafficking Victim Protection Act of 2000 (TVPA) as Amended.

To implement requirements of Section 106 of the Trafficking Victims Protection Act of 2000, as amended, the following provisions apply to this award:

a. We, as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity: (1) is determined to have violated an applicable prohibition in the Prohibition Statement below; or (2) has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in the Prohibition Statement below through conduct that is either: (a) associated with performance under this award; or (b) imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 1532. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in the Prohibition Statement below.

b. Our right to terminate unilaterally that is described in paragraph a of this award term: (1) implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and (2) is in addition to all other remedies for noncompliance that are available to us under this award.

c. You must include the requirements of the Prohibition Statement below in any subaward you make to a private entity.

**Prohibition Statement** - You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not engage in severe forms of trafficking in persons during the period of time that the award is in effect; procure a commercial sex act during the period of time that the award is in effect; or use forced labor in the performance of the award or subawards under the award.

**15. DUNS and CCR Requirements (Updated 8/1/12)**

**A. Requirement for Central Contractor Registration (CCR)/System for Award Management (SAM).** Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

**B. Requirement for Data Universal Numbering System (DUNS) numbers.** If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.
2. May not make a subaward to an entity unless the entity has provided its DUNS number to you.

**C. Definitions.** For purposes of this award term:

1. **Central Contractor Registration (CCR)/System for Award Management (SAM)** means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the System for Award Management (SAM) Internet site <http://www.sam.gov>.
2. **Data Universal Numbering System (DUNS) number** means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).
3. **Entity**, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
  - a. A Governmental organization, which is a State, local government, or Indian tribe;
  - b. A foreign public entity;
  - c. A domestic or foreign nonprofit organization;
  - d. A domestic or foreign for-profit organization; and
  - e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
4. **Subaward:**
  - a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
  - b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. -.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
  - c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.
5. **Subrecipient** means an entity that:
  - a. Receives a subaward from you under this award; and
  - b. Is accountable to you for the use of the Federal funds provided by the subaward.

## 16. Subaward Reporting and Executive Compensation

### a. Reporting of first-tier subawards.

1. **Applicability.** Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e of this award term).
2. **Where and when to report.**
  - i. You must report each obligating action described in paragraph a.1. of this award term to [www.fsr.gov](http://www.fsr.gov).
  - ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
3. **What to report.** You must report the information about each obligating action that the submission instructions posted at [www.fsr.gov](http://www.fsr.gov) specify.

### b. Reporting Total Compensation of Recipient Executives.

1. **Applicability and what to report.** You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if –
  - i. the total Federal funding authorized to date under this award is \$25,000 or more;
  - ii. in the preceding fiscal year, you received—
    - (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
    - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
  - iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>.)
2. **Where and when to report.** You must report executive total compensation described in paragraph b.1. of this award term:
  - i. As part of your registration Central Contractor Registration/System for Award Management profile available at [www.sam.gov](http://www.sam.gov).
  - ii. By the end of the month following the month in which this award is made, and annually thereafter.

### c. Reporting of Total Compensation of Subrecipient Executives.

1. **Applicability and what to report.** Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if –
  - i. in the subrecipient's preceding fiscal year, the subrecipient received—
    - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
    - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
  - ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>.)

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:
- i. To the recipient.
  - ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.
- d. Exemptions.  
If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:
- i. subawards, and
  - ii. the total compensation of the five most highly compensated executives of any subrecipient.
- e. Definitions. For purposes of this award term:
1. Entity means all of the following, as defined in 2 CFR part 25:
    - i. A Governmental organization, which is a State, local government, or Indian tribe;
    - ii. A foreign public entity;
    - iii. A domestic or foreign nonprofit organization;
    - iv. A domestic or foreign for-profit organization;
    - v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
  2. Executive means officers, managing partners, or any other employees in management positions.
  3. Subaward:
    - i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
    - ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. --.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
    - iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
  4. Subrecipient means an entity that:
    - i. Receives a subaward from you (the recipient) under this award; and
    - ii. Is accountable to you for the use of the Federal funds provided by the subaward.
  5. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
    - i. *Salary and bonus.*
    - ii. *Awards of stock, stock options, and stock appreciation rights .* Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
    - iii. *Earnings for services under non-equity incentive plans .* This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
    - iv. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.
    - v. *Above-market earnings on deferred compensation which is not tax-qualified .*
    - vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

17. **Subawards**

- a. The recipient agrees to:
- (1) Establish all subaward agreements in writing;
  - (2) Maintain primary responsibility for ensuring successful completion of the EPA-approved project (this responsibility cannot be delegated or transferred to a subrecipient);
  - (3) Ensure that any subawards comply with the standards in Section 210(a)-(d) of OMB Circular A-133 and are not used to acquire commercial goods or services for the recipient;
  - (4) Ensure that any subawards are awarded to eligible subrecipients and that proposed subaward costs are necessary, reasonable, and allocable;
  - (5) Ensure that any subawards to 501(c)(4) organizations do not involve lobbying activities;
  - (6) Monitor the performance of their recipients and ensure that they comply with all applicable regulations, statutes, and terms and conditions which flow down in the subaward;
  - (7) Obtain EPA's consent before making a subaward to a foreign or international organization, or a subaward to be performed in a foreign country; and
  - (8) Obtain approval from EPA for any new subaward work that is not outlined in the approved work plan in accordance with 40 CFR Parts 30.25 and 31.30, as applicable.
- b. Any questions about subrecipient eligibility or other issues pertaining to subawards should be addressed to the recipient's EPA Project Officer. Additional information regarding subawards may be found at <http://www.epa.gov/ogd/guide/subaward-policy-part-2.pdf>. Guidance for distinguishing between vendor and subrecipient relationships and ensuring compliance with Section 210(a)-(d) of OMB Circular A-133 can be found at <http://www.epa.gov/ogd/guide/subawards-appendix-b.pdf> and [http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133\\_revised\\_2007.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133_revised_2007.pdf).
- c. The recipient is responsible for selecting its subrecipients and, if applicable, for conducting subaward competitions.

## 18. CIVIL RIGHTS OBLIGATIONS

### GENERAL

This term and condition incorporates by reference the signed assurance provided by the recipient's authorized representative on: 1) EPA Form 4700-4, "Preaward Compliance Review Report for All Applicants and Recipients Requesting EPA Financial Assistance"; and 2) Standard Form 424B or Standard Form 424D, as applicable. These assurances and this term and condition obligate the recipient to comply fully with applicable civil rights statutes and implementing EPA regulations.

### STATUTORY REQUIREMENTS

In carrying out this agreement, the recipient must comply with:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin, including limited English proficiency (LEP), by entities receiving Federal financial assistance.
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against persons with disabilities by entities receiving Federal financial assistance; and
- The Age Discrimination Act of 1975, which prohibits age discrimination by entities receiving Federal financial assistance.

If the recipient is conducting an education program under this agreement, it must also comply with:

- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities operated by entities receiving Federal financial assistance.

If this agreement is funded with financial assistance under the Clean Water Act (CWA), the recipient must also comply with:

- Section 13 of the Federal Water Pollution Control Act Amendments of 1972, which prohibits discrimination on the basis of sex in CWA-funded programs or activities.

### REGULATORY REQUIREMENTS

The recipient agrees to comply with all applicable EPA civil rights regulations, including:

- For Title IX obligations, 40 C.F.R. Part 5; and
- For Title VI, Section 504, Age Discrimination Act, and Section 13 obligations, 40 C.F.R. Part 7.
- As noted on the EPA Form 4700-4 signed by the recipient's authorized representative, these regulations establish specific requirements including maintaining compliance information, establishing grievance procedures, designating a Civil Rights Coordinator, and providing notices of non-discrimination.

#### **TITLE VI – LEP, Public Participation and Affirmative Compliance Obligation**

- As a recipient of EPA financial assistance, you are required by Title VI of the Civil Rights Act to provide meaningful access to LEP individuals. In implementing that requirement, the recipient agrees to use as a guide the Office of Civil Rights (OCR) document entitled "*Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.*" The guidance can be found at [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2004\\_register&docid=fr25jn04-79.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2004_register&docid=fr25jn04-79.pdf)
- If the recipient is administering permitting programs under this agreement, the recipient agrees to use as a guide OCR's Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs. The Guidance can be found at <http://edocket.access.gpo.gov/2006/pdf/06-2691.pdf>.
- In accepting this assistance agreement, the recipient acknowledges it has an affirmative obligation to implement effective Title VI compliance programs and ensure that its actions do not involve discriminatory treatment and do not have discriminatory effects even when facially neutral. The recipient must be prepared to demonstrate to EPA that such compliance programs exist and are being implemented or to otherwise demonstrate how it is meeting its Title VI obligations.

#### **19. Disadvantaged Business Enterprise Requirements (Effective May 27, 2008)**

##### **GENERAL COMPLIANCE, 40 CFR, Part 33**

The recipient agrees to comply with the requirements of EPA's Program for Utilization of Small, Minority and Women's Business Enterprises (MBE/WBE) in procurement under assistance agreements, contained in 40 CFR, Part 33.

##### **FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D**

A recipient must negotiate with the appropriate EPA award official or his/her designee, fair share objectives for MBE and WBE participation in procurement under the financial assistance agreements.

##### **Current Fair Share Objective/Goal**

The dollar amount of this assistance agreement is over \$250,000; or the total dollar amount of all of the recipient's non-TAG assistance agreements from EPA in the current fiscal year is over \$250,000. The Idaho Department of Environmental Quality has negotiated the following, applicable MBE/WBE fair share objectives/goals with EPA as follows:

MBE: SUPPLIES 0.70%; SERVICES 1.20%; EQUIPMENT 0.10%  
WBE: SUPPLIES 1.40%; SERVICES 1.80%; EQUIPMENT 0.30%

##### **Negotiating Fair Share Objectives/Goals, 40 CFR, Section 33.404**

If the recipient has not yet negotiated its MBE/WBE fair share objectives/goals, the recipient agrees to submit proposed MBE/WBE objectives/goals based on an availability analysis, or disparity study, of qualified MBEs and WBEs in their relevant geographic buying market for construction, services, supplies and equipment.

The recipient agrees to submit proposed fair share objectives/goals, together with the supporting availability analysis or disparity study, to the Regional MBE/WBE Coordinator within 120 days of its acceptance of the financial assistance award. EPA will respond to the proposed fair share objective/goals within 30 days of receiving the submission. If proposed fair share objective/goals are not received within the 120 day time frame, the recipient may not expend its EPA funds for procurements until the proposed fair share objective/goals are submitted.

**SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C**

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to ensure that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

- (a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- (b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- (c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- (d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- (e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.
- (f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

**MBE/WBE REPORTING, 40 CFR, Part 33, Sections 33.502 and 55.503**

The recipient agrees to complete and submit EPA Form 5700-52A, "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" beginning with the Federal fiscal year reporting period the recipient receives the award, and continuing until the project is completed. **Only procurements with certified MBE/WBEs are counted toward a recipient's MBE/WBE accomplishments.** The reports must be submitted **annually** for the period ending September 30<sup>th</sup> for:

- 40 CFR Part 30 Recipients (Non-profits and Institutions of Higher Education); and
- 40 CFR Part 35 Subpart A and Subpart B Recipients.

**The reports are due within 30 days of the end of the annual reporting period (October 30<sup>th</sup>).** Reports should be sent to the EPA Region 10, Grants Administration Unit, 1200 Sixth Avenue, Suite 900, Mailcode: OMP-145, Seattle, WA 98101. For further information, please contact Greg Luchey at (206) 553-2967, email: [Greg.Luchey@epa.gov](mailto:Greg.Luchey@epa.gov). Final MBE/WBE reports must be submitted within 90 days after the project period of the grant ends. Your grant cannot be officially closed without all MBE/WBE reports.

EPA Form 5700-52A may be obtained from the EPA Office of Small Business Program's Home Page on the Internet at [www.epa.gov/osbp](http://www.epa.gov/osbp).

**CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302**

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

**BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)**

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

### **Programmatic Conditions**

#### **1. Sufficient Progress**

EPA may terminate the assistance agreement for failure of the recipient to make sufficient progress so as to reasonably ensure completion of the project within the project period, including any extensions. EPA will measure sufficient progress by examining the performance required under the workplan in conjunction with the milestone schedule, the time remaining for performance within the project period, and/or the availability of funds necessary to complete the project.

#### **2. Annual Performance Reports**

The recipient shall submit annual performance reports, which are due 90 calendar days after the end of the grant year. Reports shall be submitted to the EPA Project Officer and may be provided electronically.

In accordance with 40 CFR Part 30.51(d) and 40 CFR Part 31.40, as appropriate, the recipient agrees to submit performance reports that include brief information on each of the following areas:

- (a) a comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement work plan for the period;
- (b) the reasons for slippages if established outputs/outcomes were not met;
- (c) additional pertinent information, including when appropriate, analysis and information of cost overruns or high unit costs.

In addition to the annual performance reports, the recipient shall immediately notify the EPA Project Officer of developments that have a significant impact on the award-supported activities. In accordance with 40 CFR Part 30.51(f) and 40 CFR Part 31.40(d), as appropriate, the recipient agrees to inform the EPA Project Officer as soon as problems, delays or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan. This notification shall include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.

#### **3. Final Performance Report**

In addition to the periodic performance reports, the recipient shall submit a final performance report, which is due 90 calendar days after the expiration or termination of the award. The report shall be submitted to the EPA Project Officer and may be provided electronically. The report shall generally contain the same information as in the periodic reports, but should cover the entire project period. After completion of the project, the EPA Project Officer may waive the requirement for a final performance report if the EPA Project Officer deems such a report is inappropriate or unnecessary.

#### **4. Nonpoint Source Conditions :**

##### **NPS Management Program Progress Report**

The recipient shall submit an annual report concerning its progress and status of implementation of the approved Nonpoint Source Management Program, and, to the extent possible, reductions in nonpoint source loading and improvements in water quality for waters in the Nonpoint Source Assessment Report, consistent with EPA's Section 319 Guidance. This report is required to assist EPA in determining whether the recipient has made satisfactory progress the previous year in meeting the schedule set forth in its Nonpoint Source Management Plan. A satisfactory progress determination must be made prior to award of the following Section 319 grant. This report may be combined with an annual (grant) performance report (see separate condition) provided the requirements of both reports and timelines are met.

##### **Annual Program Review**

The recipient will, if requested, participate with EPA in an annual detailed program review, to be completed each year not later than October 1 or another date mutually agreed upon between the EPA

Project Officer and the recipient, so that a clear understanding of progress can be achieved between the two parties. This review will also include an overview of program expenditures .

**Approved Work Plan**

In accordance with Section 319 (h) of the Clean Water Act, the recipient will show commitment to expend the funds awarded in this grant and to complete the funded projects in accordance with its EPA approved Nonpoint Source Management Program and the approved work plan. The recipient will award all proposed contracts and interagency agreements within one year after grant award.

**Maintenance of Effort**

In accordance with Section 319(h)(9) of the Clean Water Act, the recipient agrees to maintain its aggregate expenditures of funds for controlling pollution from nonpoint sources at or above the average level of such expenditures in fiscal years 1985 and 1986.

**STORET Data Reporting**

Data generated in the development and implementation of Section 319 projects during the project period must either be entered into STORET within 90 days of the completion of the project (if this capability exists), or be made available to EPA in a STORET compatible format and be maintained in an accessible electronic database.

**Watershed-Based Plans**

The recipient shall prepare and implement watershed-based plans in accordance with the State Nonpoint Source Grant Guidance. Upon request by EPA, the recipient shall provide any watershed-based plan funded under Section 319 as well as any available information regarding the status of implementation activities and results.

**Grants Reporting and Tracking System (GRTS)**

The recipient agrees to use the EPA Grants Reporting and Tracking System (GRTS) to provide all nationally mandated data elements, including load reductions where applicable, for all Section 319 projects and expenditures in accordance with the national yearly deadlines for entry of this data .

**Recognition of EPA Funding**

Reports, documents, and signage developed as part of projects funded by this assistance agreement shall contain the following statement:

"This project has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement (number) to (recipient). The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use."

**Grants Template**

The recipient will include as an attachment to the negotiated work plan a grant performance measures template which has been initially populated with available data by EPA and reviewed by the recipient . This version of the template, and any subsequent updates provided by EPA will be included in the official grant file.

**5. Geospatial Data Standards**

All geospatial data created must be consistent with Federal Geographic Data Committee (FGDC) endorsed standards. Information on these standards may be found at [www.fgdc.gov](http://www.fgdc.gov).

**6. Electronic and Information Technology Accessibility**

Recipients and subrecipients are subject to the program accessibility provisions of Section 504 of the

Rehabilitation Act, codified in 40 CFR Part 7, which includes an obligation to provide individuals with disabilities reasonable accommodations and an equal and effective opportunity to benefit from or participate in a program, including those offered through electronic and information technology ("EIT"). In compliance with Section 504, EIT systems or products funded by this award must be designed to meet the diverse needs of users (e.g., U.S. public, recipient personnel) without barriers or diminished function or quality. Systems shall include usability features or functions that accommodate the needs of persons with disabilities, including those who use assistive technology. At this time, the EPA will consider a recipient's websites, interactive tools, and other EIT as being in compliance with Section 504 if such technologies meet standards established under Section 508 of the Rehabilitation Act, codified at 36 CFR Part 1194. While Section 508 does not apply directly to grant recipients, we encourage recipients to follow either the 508 guidelines or other comparable guidelines that concern accessibility to EIT for individuals with disabilities. Recipients may wish to consult the latest Section 508 guidelines issued by the US Access Board or W3C's Web Content Accessibility Guidelines (WCAG) 2.0 (see <http://www.access-board.gov/sec508/guide/index.htm>).

**END OF DOCUMENT**

**Douglas McRoberts**

**From:** Wasson.Wendy@epamail.epa.gov on behalf of R10\_Grants@epa.gov  
**Sent:** Tuesday, July 09, 2013 7:56 AM  
**To:** Dave Sande; Mary Grandjean; Douglas McRoberts; Jennifer Martin  
**Cc:** Seaborne.Rick@epamail.epa.gov; Schaub.John@epamail.epa.gov  
**Subject:** Assistance Agreement # C9-00045013-0  
**Attachments:** C9-00045013-0.pdf

**Importance:** High

Attention EPA Grant Recipient:

Attached is your Assistance Agreement from the US EPA, Region 10. We look forward to working with your organization for the successful completion of this project.

*(See attached file: C9-00045013-0.pdf)*

THE AGREEMENT IDENTIFICATION NUMBER IS ON YOUR AGREEMENT ON TOP OF PAGE 1 AND IN THE SUBJECT LINE. Please use this number in communicating with EPA about this grant. Questions may be addressed to the Project Officer or the Grants Specialist shown on page 1 of the document. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.

THE REGION 10 GRANTS ADMINISTRATION WEBSITE

This site is designed to help you manage your grant. It contains practical information about fulfilling the grant's requirements; downloadable copies of required standard forms, report forms; and "On-line Resources" which link to other information, such as the Code of Federal Regulations.

The website is at: <http://yosemite.epa.gov/r10/OMP.NSF/grants/administration>

GRANT PAYMENTS

If you have not previously enrolled in EPA's electronic funds transfer program, you will need SF 3881, the ACH Vendor/Miscellaneous Payment Enrollment Form, which is also on the Grants Administration Website.

See Administrative Condition #1 for additional information.

QUESTIONS ?

Please feel free to contact your EPA Grants Specialist if you have any questions about the administrative requirements of your grant or if you do not have internet access and need copies of regulations, circulars, forms, or other information.

[grants\\_r10@epa.gov](mailto:grants_r10@epa.gov)

R10 Grant Unit  
1200 Sixth Ave, Suite 900, OMP-145  
Seattle, WA 98101